The Police: The Culture of a Social Control Agency

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B.S. (University of Louisville) 1959
M.A. (University of California) 1964

DISSERTATION

Submitted in partial satisfaction of the requirements for the degree of

DOCTOR OF PHILOSOPHY

in

Sociology

in the

GRADUATE DIVISION

of the

UNIVERSITY OF CALIFORNIA, BERKELEY

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Degree conferred SEP 8 1967
Date

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INTRODUCTION

A number of questions are often asked about things the police do which cannot be answered by examining any formal description of the police job.[1] Questions such as: "Why do policemen sometimes not enforce the law when it is being broken?"; "Why do policemen sometimes react to demeanor and other legally irrelevant aspects of an offender's behavior?"; "Why do people who admit their guilt sometimes come out better than people who stand on their legal rights?"; "Why do policemen often underenforce the law in Negro neighborhoods?"; "Why do policemen harass unusual looking people?"; "Why do the police sometimes do nothing when a crime is reported to them?"; and, "Why are policemen often closemouthed and isolated from civilian social activities?" cannot be answered if one thinks of the police as ministerial officers of the law obeying only legal requirements.

Instead of answering such questions in the usual manner, which involves an ad hoc answer to each, I would like to develop a few simple principles which throw light on all of these problems. Instead of suggesting that police officers are lazy, capricious, bigoted, stupid, ultra-conventional, and authoritarian, all of which have been mentioned as answers to the questions posed above, I would like to suggest that all of these behaviors are responses to the influences and tensions inherent in the role of a formal social control agent involved in interactive situations.

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[1] Actually, as will be made clear in Chapter I, there is no formal description of the police job, or mandate, to be found. Rather, there is the idea that the police are ministerial officers of the law who bring offenders to "justice." Their "function" is thus the discretionless apprehension of offenders, and it is this "model" of police behavior which fails to explain actual police actions.

THESIS STATEMENT

The police as formal agents of legal social control exercise a large amount of extra-legal and sometimes illegal social control because they are expected to deal with many situations which are violations of custom or morality but not of law. These expectations of police action held by the public are relevant to the police because the police themselves are largely controlled by interactive institutions established with segments of the public rather than by any formally granted legal mandate. Laws require less than custom in most cases, and the police mandate is no exception. The police are confronted with violations of customs they themselves adhere to and, whether or not the violation is also one of law, their response is conditioned by their interpersonal commitments. Their dispositional decisions thus take into account moral, customary, and legal aspects of the behavior, as they interpret them, and the result is a form of social control which is only tangentially and sporadically related to law.

This thesis may be stated as a series of hypotheses about social control, police behavior, and public behavior:

1. Interactive institutions imply the existence of reciprocal typifications of behavior. In order for the institution to persist and continue to reward the participants, the people involved in the institution must act toward each other as the other expects they will. This behavior becomes the "customary" and "moral" behavior expected of the individuals involved in the institution and deviation is punished by the primary control of conscience or the secondary control of interpersonal sanctions. Formal social controls, tertiary controls, in the form of laws, are established to set minimum requirements for behavior which does not appear to be satisfactorily controlled by custom and morality. Laws tend to be minimal and universal abstracts of common customs. The police are empowered, by law, to enforce these minimal requirements but not the more comprehensive customs from which the laws were abstracted. This means that many violations of custom and morality may take place that the police have no legal warrant to correct.

2. Individuals generally control themselves to fit into the interactive institutions in which they are involved. If their behavior is not so controlled, the institution is disturbed and the others either do not know how to react, or react negatively, excluding the deviant from the institution and its rewards. Institutions can arise around

any mutual activity, but the most universal and important institutions appear to center on the production and management of life needs in the areas of labor (occupation), sex (family), and territory (neighborhoods, countries). If a person is excluded from these institutions, he will have difficulty in surviving. The police occupation is largely controlled, as is any other occupation, by the interactive institutions established with the public it contacts. These institutions frequently require the police to respond to demands for social control in areas of custom for which they have no legal warrant.

3. Violations of morality, customs, and laws come to the attention of the police through complaints, their own perceptions, or, occasionally, the challenges of the violator. Some of these violations can be processed within the structure of law, others cannot.

4. Before the decision on how to process the violation can be made or completed, the police must bring the immediate situation under their control and keep it there. A number of strategies are used to control situations. The use of force and the solidarity of the police may be used to control the situation. This use of force may or may not be legitimated by legal rules, or it may be made to appear to be so legitimated.

5. Officers take personal, moral, customary, and legal considerations into account in deciding what to do about the various situations they face. Their behavior cannot be predicted unless the nature

of all of these elements is known.

6. Legal solutions involve many requirements as they are the officially contemplated, recorded, reviewed, and sanctioned course of events. Legal solutions allow adversary contention to take place wherein the accused can effectively contend that he is actually innocent, that the police overstepped their prescribed methods, or that his behavior is not that proscribed by law. The difficulty or impossibility of proving a legal case, especially when the act may be a violation of custom but not law, combined with the feeling of the complainant, and sometimes the officer, that a wrong has been committed, causes the officer to search for un-counterable control techniques outside of the law which will control the behavior involved. Sometimes a partial, unreviewable invocation of the law is used as a control.

7. Where there is no legal solution, the police may attempt to evade the demands of the public for control of a violation by the use of impression management and secrecy about their operations. They may also use deceit to establish control where they have no legal warrant to do so.

8. Thus the police enact social control for social and personal ends using legal weapons when they are effective and extra-legal ones when they are not. The end result is that some of the various customs of conventional society get roughly the social control that is more or

less expected, but not always through the established legal channels. Most of the social control provided by the police is thus customary and subject to the variations, vagaries, and discrepancies of a continuously changing and largely unplanned set of understandings which exist in an uneasy dialectic with formally enacted rules.

Each chapter in this work is devoted to one of these hypotheses.

Sources of Data

In order to study the police as agents of social control, I utilized several sources of data.

First, I went through the appropriate ten-week (two nights a week) training program to become a Westville Police Reserve Officer. I then worked as a police officer (again about two nights a week) for the next thirteen months, keeping careful field notes for the entire period. The problems and limitations inherent in this participant observation are discussed in the methodological appendix.

Second, I used the other studies which have been done in Westville Police Department by other sociologists as sources of observations and data inaccessible to me in my position. I used these studies as data and have largely re-interpreted their observations in my own framework of social control theory.[2] I have also used most of the other police literature cited herein in a similar manner. Very often other writers have made observations which fit into my framework, though they have been using them for other ends or have been making other arguments.

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[2] These studies include: Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, which concentrates on Westville's vice squad and detectives. Jerome H. Skolnick and J. Richard

Third, I have ridden on patrol with two other police departments, one in Westville's state, one outside. Additionally, I have had many discussions with the officers of two other departments, one a small department in a high prestige community, the other the San Francisco Police Department. The officers from San Francisco were enrolled in a seminar on the theoretical study of the police process which I conducted at San Francisco State College. One of these officers, John W. Minderman, has read the entire first draft of this thesis and has commented extensively on many points. I have incorporated many of his comments as footnotes and I have followed many of his suggestions for changing a word or two without specific

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Woodworth, "Bureaucracy, Information, and Social Control: A Study of a Morals Detail," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, pp. 99-136, which deals with the way statutory rape cases are dealt with by the Westville Police Department. Irving Piliavin and Scott Briar, "Police Encounters With Juveniles," American Journal of Sociology, 70, September, 1964, pp. 206-214, which deals with the juvenile division of the Westville Police Department. In addition to these studies dealing specifically with the Westville Police Department, David Sudnow's "Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office," Social Problems, 12, 3, Winter, 1965, pp. 225-276, was based on the Public Defender Office which serves Westville's county. These studies have been used to fill in gaps in my own observations which were limited to the patrol division.

citation. I am greatly indebted to him for his expert and conscientious criticism and comments. His help has improved the accuracy of many points contained herein.

Fourth, I have corresponded with officers from several other police departments regarding specific problems. Where their comments are not sensitive, I have cited them by name, where they might be sensitive, I have covered their identities.

Anonymity

I have adopted several unscholarly conventions in this thesis to protect my informants. First, I have not cited any laws by their section numbers, because to do so would pinpoint Westville's state. Consequently, I have avoided making esoteric legal points and have had reference to codes which were derived from common law. Second, I have not given the dates of any of my field notes as the officers involved could be identified by the department from existing records of assignments. Third, I have disguised the identity of officers who have provided me with written or verbal comments on various possibly questionable practices. Their cooperation could cost them their jobs so the least I can do is to insure their anonymity and thank them for their help. The necessity for these conventions will become apparent as one reads the thesis.

CHAPTER I

A SOCIAL CONTROL THEORY

"Social Control" covers all of the processes which prevent and correct deviance. Almost every facet of social life has at one time or another been considered as an example of social control.

Social control originates in interactive human relationships. Both formal social control and the social control implicit in socialization are derived from the habituations and institutionalizations which arise from repeated interaction.[1] When two people interact with one another over a period of time, they come to take for granted the behavior of the other in an ever-widening circle of situations. This behavior which is taken for granted then need not be a matter of much concern to the participants because they consider it to be the "typical" behavior of the other, an expected part of their relationship, and they can give their attention to more problematic aspects of their environments. Behavior which has reached this state of habituation is said to be "reciprocally typified" between the two people. In order for "reciprocally typified" behavior to arise, a condition must exist wherein participants are brought into regularized contact, over a period of time, dealing with essentially similar problems each time.

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[1] Peter L. Berger and Thomas Luckmann, The Social Construction of Reality, Doubleday, Garden City, New York, 1966, pp. 54-56.

These conditions particularly exist in the social areas of labor, sex, and territory.[2]

When people must coordinate their behavior to produce some product, they quickly typify the behavior of the other in the situation so that they can count on the other's efforts to aid rather than hinder their own. Thus work, employment, is a major source of control over the behavior of the person engaged.

People who live together and raise children also interact repeatedly, intensively, and over a long period of time. They develop understandings about what is to be expected from each other in various situations. The family provides a great amount of control over the behavior of its members.

People who live in close proximity to one another, in the same territory, neighbors, often find that they have interests in common which require coordinated action. The longer a person lives in a given territory, other things equal, the greater the number of interactive institutions he becomes involved in, each of which constitutes a social control over his behavior.

While new institutions are being created all of the time by the processes of repeated interaction, a child does not create his own institutions, at least at first. A child is born and raised within the structure of existing institutions, and for him they are objective facts independent of his own existence. He is "socialized" into "the way things are" by his contacts with his already "enculturated" parents.[3] As he grows up he contacts other people and has experiences on his own which extend and modify the culture passed on to him by his parents. Then he creates new institutions based on his own relationships. Still, he cannot create the entire social world on his own; most of it exists independent of himself awaiting his discovery. When he enters a new situation, he will tend to find out what the customs are for that situation before creating some idiosyncratic innovation. The existence of an institution, or custom, which implies reciprocal typification of behaviors, constitutes an important social control over the individual's behavior, because, in order to gain whatever advantage the institution offers, he must behave more or less as the others involved expect he will behave.

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[2] *Ibid.*, p. 55.

An individual presumably is somewhat committed to institutions he himself helped to establish. He had good and sufficient reason, experienced personally, to establish the reciprocal typification of behavior in the first place, and he can think back to these reasons whenever he wonders why he is doing what he is doing.

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[3] Melford E. Spiro, "Culture and Personality: The Natural History of A False Dichotomy," Psychiatry, 14, February, 1951, pp. 19-46.

However, the institutions which he encounters as established going concerns may not appear to be so clearly justified by his own experience. If he has been well enculturated, socialized, by his parents, he will have been introduced to the appropriate social legitimation, raison d'etre, for most relevant institutions and he will behave as expected most of the time. It is not enough to depend on proper socialization, or on "self-evident" justifications, to insure compliance with important institutions, or customs, which affect many other people, because the socialization of some individuals may be defective, and the justifications of some institutions may not seem all that self-evidently important to all members of society. This being the case, customs which appear to be important for all to follow without exception may be abstracted and enacted as laws and equipped with a formal agency or organization whose purpose is to insure conformity to, or to punish deviation from, that law. Such laws can only be concerned with customs of some importance and some universality. Formal social control agencies generally do not interfere with idiosyncratic typifications unless they directly affect some widely accepted institutionalized standard of conduct. Thus the police are usually unconcerned with how people feel about or, within limits, with what they say to their employers, wives, or neighbors. Should a person decide, however, to "cut on" another person, an important institutionalized expectation is breached, and the social control agency charged with supporting this institution may be expected to take some action. Since agencies are not present, they can only act when some deviation comes to their attention, which means that conformity depends on socialization, and formal agencies are limited to punishing violations. Agencies, however, may attempt to gain their ends by aiding in the socialization of individuals so that they will not have to punish them later.

Contingent upon these three processes, reciprocal typification, socialization, and the establishment of formal social control agencies, there are three kinds, or levels, of social control. These have been identified by Georg Simmel as morality, custom, and law.[4]

Three Levels of Social Control

Primary social control, or morality, is provided by the individual himself. As a child grows up he abstracts from the specific admonitions and punishments he receives in his interactive institutions the idea that certain forms of behavior are prohibited, not just by one person or another, but by everybody. He soon comes to feel that this is a general prohibition, which applies to himself as well as to all others. He identifies with the generality of others, that is, with a society.[5] Since this process is bound up with the learning of language, his own identity, and "reality", as it is understood in the only world available to him, it is a very important guide to behavior. Long after he has grown to understand the relativity of cultures, there will still be certain ways of acting which are "right" and comfortable (these form his "ego ideal"), and other ways which are "wrong" and uncomfortable (these form his "conscience"). Since the guides to behavior learned as a child are insufficient to guide an adult through his life, a general mechanism for learning and internalizing new rules is part of an individual's primary socialization. One consequence of this is that rules which come from people and institutions (e.g., tertiary social control agencies) that the child has learned are legitimate rule makers in themselves are respected and made part of the adult's own primary social control.

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[4] Kurt H. Wolff, The Sociology of Georg Simmel, Free Press, New York, 1964, pp. 99-104.

[5] Berger and Luckmann, op. cit., p. 122, following George Herbert Mead.

Secondary social control, or custom, comes from the interactive relations in which a person engages. The people with whom he must interact are the most important for the regulation of his behavior in the ordinary course of affairs. Thus the people he meets in the course of earning a living, raising a family, and living in a certain area are the people with whom he must get along. If his behavior is disturbing or unpredictable to these people, that is, if it constitutes a problem for them, they will usually respond by attempting to get him to follow the patterns they have come to expect are "typical" of him or of properly demeaned people "like" him, which fit into their institutionalized relationships without disturbing the routine and unattended nature of the relationships.

Take, for example, the social control implicit in work. First, the worker is required to be at a certain location at a certain time every day of the work week. This means he cannot do anything else at that time, it means that he can only go a certain distance away at night and have any hope of returning for the next day, it means he must get some sleep most nights before going to work, it means that he must not drink heavily just before going to work, it means that having a regular living place will be more convenient than constantly moving around, and it means that he has the money and the stability to be married. Further, it means that he must devote his energy while at work to those activities required of him. Generally, he cannot drink, fight, gamble, sleep, make love, or in other ways disattend his work without some consequence, such as being dismissed, which would cause his family to go hungry and his house to be taken away from him. Further, should he engage in illegal activities in his off-work hours which result in his imprisonment, even for a short time, or in notoriety, or in a "record," he may lose his job and find it quite difficult to get another.[6] Having a job also exerts control over the dress and demeanor of its occupant, controls which often extend into non-work areas of his life and life style in general. Similar social controls inhere in marital and neighborhood institutions. All of these institutions usually reenforce one another with regard to the important forms of behavior so that deviance which affects one also affects the others, causing most people to conform enthusiastically. As will be mentioned later in more detail, it is possible that people will come loose from these institutionalized behavior patterns, for example, by being unemployed, unmarried, and homeless. In such a position, a commitment to conformity is difficult to maintain as there are few rewards for conforming and few punishments of any consequence for not conforming.[7]

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[6] Richard D. Schwartz and Jerome H. Skolnick, "Two Studies of Legal Stigma," The Other Side, ed. by Howard S. Becker, Free Press, New York, 1964, pp. 103-117, demonstrate that even an arrest and acquital was a bar to employment as a dishwasher.

Tertiary social control, or law, is enforced by formal social control agencies such as the police, the courts, social workers, churches, psychiatrists, and mental hospitals with the ratios varying from society to society. Their control takes two forms, actual control over the behavior or disposition of a concrete deviating individual, and the symbolic control of their mere existence. The agency stands as an objectification of the importance of the enforced institutions. In a simple society these two aspects are not highly separated, but in a complex society the concrete manifestation of the institution in enacted roles is seen only by a very few people, usually those being processed and the processors, so the symbolic content stands separate and subject to manipulation and "image" making. For example, the police attempt to appear to be omnipresent in order to deter crime, but actual criminals know that the police are anything but omnipresent because they have had contact with the enacted roles on a personal basis.

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[7] The generation of a "commitment to conformity" as a bar to most juvenile delinquency has been suggested by Scott Briar and Irving Piliavin, "Delinquency, Situational Inducements, and Commitment to Conformity," *Social Problems*, 13, 1, Summer, 1965, pp. 35-45.

The following table should make the relations between the levels of social control and the source, agent, and sanctions involved at each level more clear. The root source of social control lies in the interactive institutions built up around co-ordinated activity. What is necessary in this area comes to be taken by the individual to be what is right and moral. What is moral and customary within a social system may then be enacted into formal laws. In most areas of human conduct, the primary, secondary, and tertiary prescriptions are in accord; that is to say, morality, custom, and law agree on what is proper. Occasionally disparities arise when what is customary is not thought by some to be moral or when something illegal is customary and not considered immoral. These disparities lead to difficulties for the agents who enforce the rules, because, in the ordinary course of events, the agents at the different levels work together, and a conflict of rules produces a potential conflict of agents.

SOCIAL CONTROL SUMMARY TABLE

LEVEL	SOURCE	AGENT	SANCTIONS
PRIMARY	Socialization of ego by ego and alter so that ego fits in with the interactive institutions in which ego is involved. Ego ideal, and conscience.	Intra-active self which examines prospective and retrospective consequences of decisions and acts.	Neg. Guilt, shame, doubt, uncertainty. Pos. Feeling good, pride, satisfaction, at peace with self and world.
SECONDARY	Interactive institutions which come from reciprocal typifications and expectations around common activities and other coordinated behavior.	Alters involved with ego, or for whom ego's behavior is important.	Neg. Ostracism, hatred, exclusion from activities, emotional withdrawal. Pos. Acceptance, survival, friendship, love, employment, and emotional support.
TERTIARY	Group processes which lead to the enactment of laws and other written, abstract regulations.	Legally authorized agents. Police, mental hospitals, social workers, administrators.	Neg. Fines, imprisonment, death, "treatment," and other handicaps on survival. Pos. "Awards," citations of merit, community well-being.

At both the primary and secondary levels of social control, there are a rich variety of positive and negative sanctions which can be, and are, employed to insure the conformity of the actor to the important institutions in which he is involved, and his own internalized understandings of proper conduct. If the actor conforms to these informal rules, he "gets along" well with others and with himself. If he does not conform, he has more difficulty in leading a placid and productive life because the others will not continue to associate with him, making it difficult to survive, or he will be tortured by self-doubts and guilt over his activities which will show up in a variety of mal-adaptive psychological and somatic responses. When people move about between various systems of customs, they increase the probability that their socialized sense of morality will not be exactly congruent with the customs they are coerced to obey, and they thus become relatively uncommitted to those particular customs. Similarly, when people holding to a set of institutions find themselves in conflict with laws which prohibit these institutions, all of the positive and negative sanctions of the primary and secondary social control systems may be brought to play to counter the imposition of law. In the United States Prohibition was one of the more dramatic examples of such conflict, but lower class customs of casual marriage and violence are continuing, if unspectacular, demonstrations that a society which is built up from diverse interactive institutions may not produce laws which support equally all of the various customs of divergent groups in the society.

When laws are enacted, the basic and minimal elements of the institutions which are important to the lawmakers and their reference publics are abstractly stated as the rules for all to follow. Penalties for not following these laws are annexed and some formal agent of "society" is employed to see that these minimal standards are kept. Since laws rarely require a specific performance (rather, a specific abstension) from individuals, and the assumption is that if primary and secondary social controls are working as they should, there will be no violation of law, there are generally only negative sanctions to insure compliance. Law thus, *de facto*, relies on primary and secondary controls in most cases to insure conformity. For a number of reasons, which seem to reduce to divergent institutionalizations and consequent divergent socialization, secondary and primary controls may not support tertiary controls and large segments of the public may be relatively unmotivated to obey particular laws. While the negative sanctions associated with the laws may cause such people to look around for a police officer before doing what they want to do, the sanctions do not create any reason for actively doing something which such people are not personally and customarily inclined to do.

The agent charged with tertiary social control thus faces the dilemma of attempting to inhibit certain forms of behavior and encourage others without any legitimate means for doing so. Should the behavior occur, he can invoke the law and thus sanction the actor, but, when customs differ from law, this is rarely an effective producer of motivation to conform. Its only effect may be to produce another person who hates the police. Since the agent of tertiary control is himself an actor, and since he is at that instant in an interactive situation with the violator, or potential violator, he may, and often does, forget about his possible legal sanctions and attempt to use the secondary sanctions which are available in the situation to insure conformity to his tertiary rules. He may praise, curse, sympathize with, threaten, support, denigrate, or ostracize the offender (To be truly effective the police officer must be involved in an interactive institutional relationship with the offender, not just a casual contact.), or he may point out to the offender that these are consequences to be expected from his peers if he persists in his violation. (e.g., "What would your parents think about your doing this?") He may also attempt to engage the primary level of social control by telling the violator what he should do, that is, what the moral thing is to do (e.g., "A big strong man like you shouldn't hit a woman.")

Situations arise repeatedly where police officers must fall back to secondary and primary social control because the "rewards" which they produce are diffused throughout the community and unappreciated by specific individuals. For example, a citizen has no way of knowing that he might have been the next victim of a particular burglar or rapist that the police caught, and thus he does not feel involved in a transaction with the police except very remotely. The fact that the police caught a burglar who was going to victimize him is unknown to him and thus exerts little influence on his willingness to obey traffic laws.[8] In interactive situations, the positive and negative sanctions are much more visibly related and thus motivation and prohibition are more closely joined. (e.g., One appreciates the benefits of living with a wife and thus takes many of her prohibitions seriously.)

Each level of social control has a somewhat different, though related and derivative, source. Each level has an appropriate agent of control, and each level has positive and negative sanctions to insure conformity to the rules of that level. The levels generally support one another, but conflicts in all permutations are possible since the basis for all control is interactive institutions, and these institutions arise out of experience and existential needs rather than in obedience to some master plan.

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[8] Neil J. Smelser suggested this line of thought. Personal communication.

Level of Social Control, Severity of Sanctions, and Interaction Frequency.

The sanctions, rewards, and punishments which exist at each level of control are of graduated degrees of severity. The primary level has the least severe punishments, in a physical sense, and the tertiary level has the most severe punishments. In spite of this, primary and secondary social control tend to be much more effective than does tertiary control. The reason is not hard to find. The closer and more frequent the contact between an individual and his sanctioner the less severe the sanctions which are needed, because closeness and frequency lead to certainty of sanctions. As Jeremy Bentham put it:

> "Now, on the one hand, a lot of punishment is a lot of pain; on the other hand, the profit of an offense is a lot of pleasure, or what is equivalent to it. But the profit of the offense _is_ commonly more _certain_ than the punishment, or, what comes to the same thing, _appears_ so at least to the offender. It is at any rate commonly more _immediate_. It follows, therefore, that, in order to maintain its superiority over the profit of the offense, the punishment must have its value made up in some other way, in proportion to that whereby it falls short in the two points of _certainty_ and _proximity_. Now there is no other way in which it can receive any addition to its _value_, but by receiving an addition in point of _magnitude_. Wherever then the value of punishment falls short, either in point of _certainty_, or of _proximity_, of that of the profit of the offense, it must receive a proportional addition in point of _magnitude_."[9]

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[9] Jeremy Bentham, _The Principles of Morals and Legislation_, Hafner, New York, 1948, p. 183. Frank Vicroy first brought this idea to my attention, University of Louisville, 1958-1959.

Taking these principles out of Bentham's context and applying them to the three levels of social control, it is clear that they operate here as well.

If a person violates his own precepts, he knows it immediately. A small amount of certain guilt is ordinarily sufficient to keep him conforming.

If a person breaches the expectations of an interactive relationship, it is highly likely that he will be discovered and sanctioned by the other, but it is not certain. This small amount of uncertainty requires that the punishment be somewhat more severe, an attack on self-esteem rather than guilt, ostracism rather than depression, assault rather than nausea.

If a person violates a law, he has a fairly small chance of being caught, and the punishment will take a long time, so Bentham's logic requires that the punishments be more severe, as they in fact are. Additionally, it is often presumed that if a person breached an important institution knowingly, he was in some way free from the social controls of custom and morality, and thus must be controlled by law alone. Police officers dealing with juveniles, in fact, take the presumed existence of social control at primary and secondary levels into account in deciding whether or not to exercise the formal control of arrest. If the juvenile appears to feel guilty about his behavior, he may be considered "salvageable" and be reprimanded while if he is nonchalant and obdurate, he may be considered a "punk" and be arrested.[10] What the officer is actually assessing is the juvenile's apparent morality or primary control. The apparent ability of his family to provide secondary social control is assessed by determining whether other members are in jail, or whether a parent is missing.[11] Here the officer is trying to assess the quality of the control of family customs over the boy's behavior, using indicators readily at hand.

Any sanction may be countered by the individual and its impact somewhat blunted. The guilt of the primary level may be tempered by rationalizations or repressions. The ostracism of the interactive group may be countered by disaffiliation or withdrawal, or by adopting a charakterpanzerung (armor-plating of character) attitude toward all others.[12] The nature of the relationships, involving as they do close contact and possibly extensive reciprocal typifications, makes the attack of a spouse, employer, or neighbor a particularly effective one for disconfirming the subjective reality of the deviator, and one particularly hard to reject.[13] The sanctions of formal social control agencies are hedged about with procedures which have the effect of making sure that everyone else accepts the validity of the sanction,[14] even if the offender himself neutralizes its impact on his own self-image.[15] It is possible to fight formal sanctions in ways impossible with informal sanctions, to appeal convictions time and time again. Each of these possibilities makes the certainty and the proximity of the sanction less and thus reduces its power to control behavior, and thus its effectiveness in the mind of the police officer.

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[10] Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," American Journal of Sociology, 70, 2, September, 1964, pp. 210-211.

[11] Carl Werthman and Irving Piliavin, "Gang Members and the Police," in The Police, ed. by David Bordua, Wiley, New York, 1967, p. 73.

[12] Anna Freud, The Ego and the Mechanisms of Defense, International Universities Press, New York, 1946, p. 35, using Reich's term.

[13] Berger and Luckmann, op. cit., p. 139.

The state reserves to itself the legitimate use of force and violence. If secondary social control agents could use force and violence to coerce obedience to their own institutions, it is possible that society would have to be organized along feudal lines, creating small, warring societies within a larger society. The reservation of legitimate force to the society as a whole allows the formal agents of social control to limit the coercion at the secondary level to non-lethal forms.[16] This means that the effective control of certain kinds of dangerous behavior is also reserved, practically speaking, to tertiary social control agents, whether or not secondary groups are affected by the violence. Thus the legitimate use of force provides a societal control over the possibility of deviant institutionalizations achieving the status of rebellion or states-within-states.

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[14] Harold Garfinkel, "Conditions of Successful Degradation Ceremonies," American Journal of Sociology, 61, March, 1956, pp. 420-424.

[15] Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," American Sociological Review, 22, 6, December, 1957, pp. 664-670.

[16] Arthur L. Stinchcombe, "Institutions of Privacy in the Determination of Police Administrative Practice," American Journal of Sociology, 69, 2, September, 1963, p. 153. He called it a limitation of coercion within small social systems, which are, in the present terminology, secondary social control agencies.

When Social Control Breaks Down

Each level of social control has the possibility of becoming ineffectual or of breaking down completely. The personal controls which a person customarily responds to may be abridged by alcohol, drugs, passion, ambition, or insanity. The interactive controls may be non-existent, as for homeless men, or may be abridged by alcohol, time, and location. Formal controls may be absent, ineffectual, or in disorder at a given time and place.

The most frequent way in which primary social controls are abridged, so far as the police are concerned, is through drunkenness. Drunks of various kinds make up the largest portion of the workload of most municipal police departments. In order for a drunk to come to the attention of the police department, he must be in public, without a sober companion, or overtly obnoxious toward a citizen or officer.[17] This happens more frequently to those with no place to stay than to those involved in institutionalized relationships with work, family, and neighbors. A person can get as drunk as he wishes, and so long as he stays out of the public view and, hopefully, within the control of some small social system, there is no danger at all of being arrested by the police.[18]

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[17] Comment by Officer Minderman.

The secondary social controls of work, for those who have them, are weakened at night and on the weekends. For example, seventy percent of the patients seen in the psychiatric ward of a municipal hospital are night admissions.[19] The weekend is traditionally a time for staying up late, doing things, and drinking. This is a result, in part, of the fact that there is no work to get up for the next day and in part of the custom of paying some workers at the end of the week. In many middle class families the social control of the family takes up where the social control of work leaves off, but many lower class families appear to be so chronically conflict ridden that they provide no control (in this sense), and the neighbors are accustomed to family fights so they have made conflict part of their typification and are thus not effective in controlling the behavior. As a result of this breakdown in interactive control, the police often have to be called to deal with family fights on the weekends.

Thanksgiving is another time of loose social controls and many family fights, possibly because it brings families together to drink but without any program, such as gift exchanging, to divert the hostilities. Family trouble appears to involve, almost universally, people who are subjected to no other interactive control at the time, and whose personal controls have been abridged by drink. Family trouble itself is institutionalized in some families. Typically, every Friday night the husband comes home drunk after spending most of his paycheck. His wife complains, possibly throws something at him, with tears of frustration on her face. He hits her. She calls the police, who come. After some discussion, the husband leaves the house for the night. The agents of formal social control have acted at the informal interactive level for a family which could not control itself.[20]

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[18] Stinchcombe, op. cit., p. 157.

[19] Karl Kreplin, Commitment to Mental Hospitals, unpublished Master's thesis, U.C. Berkeley, 1966, p. 87, note 46.

For people who have somehow managed to become cut loose from interactive controls, the police act as social janitors, sweeping up the derelicts who have no one else to look after them. The danger of such uncontrolled persons being loose has long been recognized and formally taken account of by the law. A man without work, wife, or home is a man available for mischief, a man with nothing to lose, a man, in short, whose very existence is a danger to the peace of the community. Vagrancy laws cut right through to the heart of the matter.

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[20] Composite incident, Field Notes. An extremely common pattern.

They make this status illegal. The developing awareness of civil rights has struck down most vagrancy statutes, or is in the process of doing so, requiring instead that a person commit a crime rather than constituting one by being free of social controls.

Arthur Stinchcombe has suggested that the importance of vagrancy statutes is that they define a person without access to private spaces as a person without legitimate connection to the social structure. It seems to me that the important aspect of attachment to a social structure for a social control agent is not whether the person is attached but whether he is controlled.[21] The requirement of an occupation, frequently found in vagrancy statutes, is an indication of control, not access to private spaces.

Social control of behavior is also weakened when the individual can isolate himself from those with whom he has reciprocal typifications. A homeless man is the prototype, but anyone can free himself of interactive social controls by driving a car. Unless a person is a professional driver, in which case the control of his employment covers his driving (and professional drivers have remarkably few accidents because of this), when he gets into a car he is free.[22]

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[21] Stinchcombe, op. cit., p. 151.

[22] This may, in part, account for the great popularity of driving among teen-agers who have no other private, anonymous space under their control to do with more or less as they please.

Unless the driver actually has his family or neighbors with him, there is no one to tell him what to do. He becomes a moral vagabond. He drives for a short distance and no one he sees knows who he is. The only social controls operating are his own primary controls and the random and sporadic control provided by police traffic officers. In a situation such as this, where for all practical purposes the primary control of the driver is the only control, and he can eliminate even that, an officer may attempt to assess from a driver's attitude whether or not he has functioning primary controls before applying a formal sanction (Chapter V).

Sub-Cultural Institutionalization of Deviance

To this point, I have mostly been dealing with the various levels of social control as if they all were working toward the same end. For most people, most of the time, this is probably true. Their primary controls lead them to do what is expected, and their secondary controls are congruent. The tertiary controls are not even an issue because their behavior is already controlled. In a complex society, however, people faced with different life situations may come to reciprocally typify behavior which is illegal.

> "An upper-class child may learn the "facts of life" at an age when a lower-class child has mastered the rudiments of abortion technique. Or, an upper-class child may experience his first stirrings of patriotic emotion about the time that his lower-class contemporary first experiences hatred of the

police and everything they stand for."[23]

When the morality and customs of a group are not congruent with law, a great many of the mechanisms for controlling behavior are chaotic. As Sykes and Matza have pointed out, delinquents are aware of the illegality of their acts but they have developed specific justifications which neutralize the criticisms of the tertiary social control system.[24] They intersubjectively objectify these justifications which are then available to consciousness should they be faced with the necessity of explaining their behavior to representatives of some formal social control agency.

It is also possible that a person should feel no guilt or shame about behavior which is disapproved of by those who interact with him. Such a lack of affect often signals for the intervention of formal social control agents, perhaps from a mental hospital.

Though it is quite rare, it is possible that a group would set up its own tertiary social controls and act as a society within a society. It has been suggested that the Mafia has done this.[25] Some large businesses approximate tertiary control over their employees, though generally without violence.

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[23] Berger and Luckmann, op. cit., p. 126.

[24] Sykes and Matza, op. cit., p. 666.

[25] Emanuel Perlmutter, "Mafia Wields Sinister Power," The New York Times Western Edition, 30 September 1963, p. 14.

The institutionalization of deviant reciprocal typifications depends upon having a society complex enough so that such deviations are not immediately obvious to all those who are involved in conventional institutions.

> "...the size and anonymity of the city decrease the chance of small social systems to control the behavior of their members in public. In a small village, activity in public places easily comes to the attention of the family, the priest, the employer, and the peers of the offender. Further, in large cities there are much stronger norms about "deliberately not noticing" the behavior of other people. This means that in cities, much more behavior is only inquired into by the police."[26]

This means, in the framework developed here, that the reciprocal typifications and institutionalizations of behavior which have been the genesis of all social control are rapidly becoming less important for conformity while internal primary control and formal tertiary control are becoming relatively more important.

The Police Mandate: A Mixture of Laws and Customs

The mandate of the police is made up of a number of accretions and avulsions to and from the basic requirements of keeping the peace and stopping crime. It is an historical product which varies from country to country, from state to state, and from city to city.

The police mandate as it is enacted consists of those things which the police routinely do which are not successfully challenged.

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[26] Stinchcombe, *op. cit.*, p. 152.

It is through these routine performances that the police as an institution actualizes itself in society. It is these concrete manifestations of de facto legitimacy to which people and other institutions adapt themselves, not to some abstract statement of the proper role of the police in society.[27]

Since the mandate of the police is so complex and often contains somewhat contradictory requirements, it is very difficult to say whether and in what regard they are doing a "good" job. Michael Banton wrote:

> "In the case of certain organizations it is farily easy to agree on criteria of organizational efficiency. Armies are efficient insofar as they can defend national interests by military action; the fishing industry is organized to catch large quantities of fish at economic cost; motor manufacturers are efficient if they produce reliable and inexpensive vehicles, and so on. But the police have to meet many criteria and it is difficult to compare the value of success in one direction at the expense of shortcomings in another. For example, a police force which solved more crimes but which treated suspects with undue severity would be in one sense more efficient, but its activities would excite public protest. The police are given a variety of objectives but they are simultaneously subjected to a host of restrictions concerning the ways in which they may attain them, and the interplay between the ends and means is much more complex than in most organizations. The efficiency of the police may therefore be less important than their responsiveness to the community they are required to serve."[28]

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[27] "Only through such representation in performed roles can the institution manifest itself in actual experience." Berger and Luckmann, op. cit., p. 70. This is not to deny that the "idea" which people have of the proper role of the police is often important in shaping police action.

[28] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, pp. 105-106.

The mandate of the police is extended into new areas in some states every time the legislature meets and enacts new laws. The underlying requirement for the creation of a formal police mandate to control certain behavior seems to be that it has become a matter of public concern,[29] and that primary and secondary social controls are seen as being incapable of suppressing the behavior.

In order to carry out the demands of their mandate, the police have certain powers which are granted to them legally, and they assume other powers on which the law is effectively silent.

The legal powers granted to the police in themselves are not great, but, by routinization, organization to use these powers and an unfailingly liberal construction of the rights granted by these powers, the police convert them into important weapons.

They have the right to make an arrest for misdemeanors which occur in their presence when they have "reasonable cause" to believe that the offense has actually taken place. A citizen making the same arrest must be certain that the offense has taken place or he may open himself to suit for false arrest. The police have the right to arrest a person for a felony when they have reasonable cause to believe he committed one, whether or not, in fact, a felony has taken place. A citizen may arrest when he has reasonable cause to believe that felony has been committed by the offender, but a felony must actually have taken place or he again opens himself to suit.[30]

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[29] Howard S. Becker, Outsiders, Free Press, New York, 1963, Chapter Eight, "Moral Entrepreneurs," explores the way in which public concerns become law.

Additionally, laws give the police the right to persist in their attempts to arrest in the face of resistance and often make resisting an officer an offense in itself. In both of these cases, the citizen has almost the same rights, but the police officer has somewhat more latitude. The conception of the police officer as being little different from the average citizen is a consequence of the American legal system's derivation from English common law. In some other countries the citizen has no right to arrest, and the police have a variety of special powers which set them apart from the citizenry.

The employment of these limited powers by the police is facilitated by their organization and equipment. Should a citizen arrest another, he is unlikely to be armed, he is unlikely to have a radio to call for help, and he is unlikely to have a safe way of transporting or keeping his prisoner until he can find a magistrate. Since it is a routine for the police, they have worked out a number of techniques for taking care of these contingencies. Consequently, they are in a much better position, practically speaking, to arrest people than the average citizen. In addition to these practical considerations, the police are the legitimate force-users and if a citizen knows, or should know, that he is being arrested by a police officer, it is illegal for him to resist. The police officer's view of reality is granted precedence by this law, and the arresting citizen has no counterpart.

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[30] Since these rules are codifications of the common law, they vary from state to state. In some states a citizen may not be able to make a misdemeanor arrest without first swearing out a warrant.

The police assume the right to use discretion in enforcing the laws they have to enforce. They may decide for some reason to enforce one law and not another, or to enforce a law in one area but not in another. They may decide not to enforce minor laws if it would get in the way of enforcing major laws. They may decide not to enforce a law in a particular situation in order to give them bargaining powers. In some states this discretion is prohibited but practiced; in Westville's state, the law is generally silent on the practice. The use of discretion by the police is one of the major discrepancies between their formally legitimated behavior and the behavior actually employed.

There are other areas where the police may do things for which they have no formal legitimation but which they have "always" done. For example, there is apparently no law in Westville' state authorizing police officers to seize non-contraband articles for use as evidence in court, but they routinely do it.[31]

Since the police are agents of social control, and since they are responsive to the community institutions they interact with, they often are in the position of confronting behavior which is not illegal but which some part of the community wishes to get rid of, or which the officer, a member of the dominant community himself, finds offensive. All of the various deviations from the officially sanctioned view of reality are not illegal, sometimes because there does not appear to be any way to make them so, other times because the behavior is too new to have generated enough moral indignation to have had laws passed. Some law can usually be found to process disagreeable people, even if it is not a law against what makes them disagreeable (Chapter VI). The police are aware that the primary and secondary social controls of these deviants do not conform with their ideas of proper controls, and they may invoke the legal process, at least partially, to sanction this behavior. Police patrols may be increased in an area, people may be arrested for minor acts which would normally be overlooked, and officer may go out of their way to find ways to harass these deviants. For example, one partner I worked with told me of something he had done shortly before I joined him. He saw a group of Hell's Angels riding through Westville and started to follow them. They drove absolutely legally for forty-seven blocks, which took him far off his beat, and then one dropped a cigarette to the road, a violation of an obscure section of the Health and Safety Code. The officer then stopped and cited the Angel for this violation. He was a little defensive about it, however, because, as he pointed out, there is nowhere to put a cigarette out on a motorcycle.[32] In situations such as this, the police may be operating within their social mandate (that is, controlling offensive behavior) but outside of their legal mandate, or, at least, they may be using their legal mandate in service of their social mandate.

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[31] Pointed out by a Westville command officer.

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[32] Field Notes.

Finally, the police occasionally catch, arrest, and start through the legal system some serious violators. In these instances the reaction of the police to the crime is the beginning of formal tertiary social control as it is usually thought of. Although such activity provides the major formal justification of the police, it actually constitutes a small, but symbolically important, portion of their activities.

The Police as Agents of Social Control

The police support other social control efforts and agencies by many of their actions. They may support a secondary control agent by informing a violator, authoritatively, that should he not obey the controls of his family, he will be arrested. For example, in one case a 13-year-old boy was encountered when the officers responded to a disturbance call, which had been originally reported as a fight. It turned out that the "fight" was just a scuffle between brothers, but, in the course of investigating the complaint, the officer became aware of the fact that the boy had not been to school for five days, and his mother did not know how to cope with it. The officer sternly lectured the boy on his duty of obedience to his parents, then told his mother that she could contact the juvenile bureau if he refused to go to school on Monday morning, and a report of the present contact would be there to give them the background of the case. The officer had to exert quite a bit of effort to convince this thirteen-year-old that there were serious potential consequences of refusing to obey his parents. When the officer said he could be taken to juvenile hall, the boy said, "So what?" The officer said, "If you wise-off there, they put you in a little room and close the door until you decide to behave." After doing everything he could to reenforce the secondary control of the parents, the officer left.[33]

In some situations the police support one secondary social control system over another which seems to have gone awry. In responding to a family disturbance call, where it turned out a husband had been beating his wife, it became apparent that a possible solution was to help the wife leave with some of his relatives who offered to take care of her. Her husband was drunk, argumentative, openly hostile to us and to this proposal, but, by escorting her out and not arresting him, we shored up and assisted the secondary control system over the present emergency. Had we arrested him on her complaint, the reciprocal typifications of their marriage would have been damaged, perhaps in such a way that would have made the system incapable of dealing with its own trouble in the future by making it dependent on the intervention of the police, a tertiary agent.[34]

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[33] Field Notes, not Westville.

In other situations the police act as conveyors between some secondary control system and some non-legal tertiary control system. Thus the police assist in emergency mental illness apprehensions and in various medical emergencies. On one occasion my partner and I served an intemperance warrant on a husband that had been sworn out by his wife.[35] When we served the warrant, he was quite sober, but the civil nature of the proceeding was underscored by his being removed in an ambulance rather than in a police patrol wagon. (In San Francisco an officer in plain clothes, driving an unmarked station wagon serves all the mental illness petitions.)[36] Thus when the secondary control system required the help of a tertiary agent, the hospital, the police were called in to manage the transition of control.

In still other situations the police attempt to make relevant the typifications and thus the controls of another institution in which the offender participates in order to control his behavior in a situation where the present controls have proven insufficient.

> "For example, when a Detroit officer reported to a family dispute in which a man had struck his wife, the officer told

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[34] Field Notes.

[35] Actually my partner had contacted the family before and he thought the petition was for the wife, who was usually drunk, until he read it closely. We almost walked into the house to carry off the wrong person.

[36] Officer John W. Minderman. Personal communication.

> the man that he was acquainted with the man's employer and cautioned him that any further trouble might result in his losing his job. When the husband promised not to resort to physical violance again, the officer departed."[37]

The various institutions in which a person is involved generally are somewhat relevant to his behavior in other situations, but when they are remote, a person may not think of them in the heat of an argument. Thus when an officer can make them relevant, when he knows enough about the person to make the appropriate suggestion, he can often reinstitute control without acting as a formal control agent and invoking formal sanctions. "Professionalization" of police work often causes the officers to be isolated from the informal systems and forces them to rely on the formal controls at their disposal.

Symbolic support for primary and secondary controls is sometimes implicitly recognized by police writers in less formal terms:

> "The most important work done by the police in preserving quiet and good order, however, results simply from the police being in existence. People are reluctant to 'tamper with the law' or to take advantage of their neighbors when they know that justice will be done. It is for this reason that police departments today strive to establish the reputation of invincibility, and to instill in the potential violator's mind a conviction that he 'cannot get away with it.'
>
> This kind of public education by the police contributes more to law observance and general maintenance of the peace than anything else."[38]

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[37] Wayne R. LaFave, Arrest, Little, Brown & Co., sine loco, 1965, p. 122.

[38] Raymond E. Clift, A Guide to Modern Police Thinking, 2nd ed., W. H. Anderson Co., Cincinnati, 1965, p. 19.

Not only is the potential violator deterred, but so also are the people with whom he interacts. If a person, such as a wife, has formed a set of reciprocal typifications with a potential violator, the presence of the police may convince her to attempt to dissuade her husband from illegal action because the presence of a higher level of social control poses a threat to her institutionalized adaptations should her husband be arrested. Thus a wife may argue against her husband stealing a car, not because she feels that it is particularly wrong but because she feels that the police will possibly catch him, put him in jail, and she will be without support. Though seldom consciously argued, the same effect is produced in other secondary control relationships. The enforcement of the institution requirements by the social control agency stands as a reminder of official "reality." This puts a damper on deviant reciprocal typifications which otherwise could undermine the institution by flagrant disregard of it.

The secondary level of social control, custom, is the major source of primary social control, or morality, and it continues to reenforce it very effectively. All of the potential reactions of a person's friends, work mates, neighbors, and family may come to mind when thinking of the consequences of violating some law. In addition, a person's socialized sense of propriety and "rightness" is upheld and reenforced by the rewards and possible sanctions of those people with whom he has established reciprocal typifications.

Each level of social control has its own area of proper control and higher levels traditionally have no warrant to interfere unless a lower level proves incapable of dealing with its own problems. The individual ordinarily gets to keep control over his own mind unless he demonstrates that he cannot, in which case his family, secondary level, attempts to cope. Only when they fail is the tertiary level--psychiatrist, police, or mental hospital--called in. (Of course, people without families or friends may go direct to the psychiatrist or hospital.) The family ordinarily gets to keep control of its own problems and arguments until a breach of the peace serious enough to be reported to the police occurs, or until the members individually or collectively decide to seek the help of a social worker, psychiatrist, or marriage counsellor. Much of the reluctance of the police to actually interfere in family fights and neighborhood disputes, even when minor laws have been broken, comes from the feeling that such matters are better settled by the participants to their own satisfaction without the strain which would be caused by legal intervention.[39]

Because of his crucial location at the intersection of the secondary and tertiary social control systems, the officer often has to decide, like Maxwell's Demon, who is cool enough to be taken care of by the reinstitution of his own social controls, and who is hot enough to be a candidate for legal processing. Sometimes the choice is obvious, when the crimes are great enough or minor enough, other times the choice may be dictated by the availability of secondary social control agents. If they are available, the offender is turned over to them, if not, he goes to jail or the mental hospital.[40] These decisions to invoke or not to invoke the legal process are made daily, and if the decision is not to invoke, it is rarely recorded.

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[39] LaFave, op. cit., p. 120, suggests that the police don't wish to strain a necessarily continuing relationship, that is, an institution or at least a reciprocal typification which has grown up.

Conclusions

Social control originates in reciprocal typifications of behavior which become institutionalized. The control is in the existence of the institution. Typifications usually arise in the areas of labor, sex, and territoriality. To gain the benefits of the institution, the person conforms to the expectations of its members.

A child learns these institutions as "facts" in his socialization, but since all may not learn properly, or may not appreciate the necessity of the institution, and since many institutions may lead to different controls in a complex society, formal agents of social control become necessary.

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[40] Egon Bittner states that the availability of "caretakers" is crucial when the police come upon a mentally ill person. "Police Discretion in Emergency Apprehension of Mentally Ill Persons," Social Problems, 14, 3, Winter, 1967, p. 286

Primary social control comes from the individual and his socialization. Secondary social control comes from the interactive relations a person is involved in and is basic to both primary and tertiary control. Tertiary social control comes from agencies which support important institutions. The various levels usually support one another in the absence of disturbing circumstances. Some problems are considered specific to each.

Each level has different rewards and punishments for the actor. Primary; guilt or good feelings. Secondary; praise, employment, or discharge and divorce. Tertiary; guidance (possibly) or prison, commitment, death. The rewards of tertiary control agencies are given to society as a whole rather than to individual actors (or, at least, the actors seldom know when they have benefited).

The control exercised at the primary and secondary levels is more efficient than that exercised at the tertiary level because, though the sanctions are less severe, they are more certain. Formal agents often use informal controls to accomplish their ends.

There are techniques to blunt control attempts by rationalization, withdrawal, or neutralization.

Tertiary agents as representatives of society as a whole keep the legitimate use of force, in part to keep secondary agents from establishing a feudal social order.

Social control breaks down when people are drunk, or unattached permanently or situationally to the controls of work, family, and neighborhood. The police sometimes have to substitute for secondary and primary control in family fights. Automobiles reduce secondary control and rely on primary and tertiary, making motorists into situational vagrants open to police control. The police sometimes act in lieu of conventional secondary controls for vagrants, sanctioning and occasionally protecting them.

It is possible that sub-cultures can have deviant typifications which they enforce with their own secondary and primary controls. The typifications come from their interactive experiences and may not be congruent with the typifications of the rule-making institutions in the territory. The existence of deviant secondary social controls depends on having a complex society, which also reduces the importance of all secondary controls.

The police mandate is unclear. There are the legally specified functions and the myriad of other functions which have accreted to or avulsed from these basic ones, in response to the demands of the community.

Others in the environment react to the mandate manifested in action, not to the formal mandate (though it may be important as an ideal).

The police are granted some legal powers to fulfill this mandate. They extend these powers by organization and discretion.

The police sometimes harass social deviants, either because the community desires it or because they themselves are offended. When these deviants are not breaking laws, the police stretch to find laws which they can apply, using them as weapons.

Finally, the police catch serious law-breakers and send them through the formal agencies of social control, the courts and prisons.

The police support secondary social control institutions, or support one over another, or convey deviants from secondary institutions unable to handle them to tertiary agencies, or attempt to make the secondary controls relevant to the offender.

The police are at the intersection of secondary and tertiary social control processes and often decide which way an offender will go.

CHAPTER II

THE RELATION OF THE SOCIAL CONTROL OF INTERACTIVE INSTITUTIONS TO THE SOCIAL CONTROL OF TERTIARY AGENTS

Most behavior is controlled by the participation of the actors in various interactive institutions which revolve around their work, their home life, and their neighborhoods. The social control which is provided by the police, a tertiary control agent, is generally congruent with the controls of custom, but occasionally discrepancies arise.

In the first section of this Chapter, the dilemma of the police regarding the kind of social control they should provide is explored. Their choice is whether to attempt to control a situation using interactive sanctions and/or following the customs of the participants, or using the formal legal sanctions which are at their disposal. In many cases, perhaps most, non-legal elements of the situation, including the expectations of the participants, enter in as important determinants of the sort of control to be provided.

In the second section, the ramifications of the provision of secondary control by tertiary control agents are explored, taking as examples the police dealings with alcoholics, the mentally ill, and family problems.

In the third section, some of the interactive institutions which are important for controlling police behavior are explored. These institutions provide secondary social controls over a tertiary social control agent. These interactive institutions, established with other institutions in the community, largely determine the nature and direction of police action in many areas because they establish the behavior required of both parties involved in the transaction. These institutionalized exchanges, bymaking the police responsive to the community, often require the police to provide social control in areas of custom for which they have no legal warrant, and thus no special powers.

Secondary or Tertiary Control? : A Dilemma of Tertiary Agents in Interactive Situations

> "The ordinary citizen is not well informed about the true nature and extent of police powers."[1]
>
> "When 'police violence,' for example, is under discussion, there is noticeable a clear-cut class attitude. The Top People tend to the view that if a man cuts up rough with the police and gets hurt, he has asked for and deserved what he got. (...) The middle-class citizen tends to disbelieve all such stories, and is thus able fairly comfortably to dismiss them but is deeply shocked when one of them is proved true. The proles accept them as self-evidently true, (...) and are genuinely surprised at any expression of doubt. The same is true of corruption and perjury, and other less clearly occupational lapses like burglary and fraud."[2]

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[1] William Gay, "The Loneliest Man in the Street," in The Police and the Public, ed. by C. H. Rolph, Heinemann, London, 1962, p. 176.

[2] C. H. Rolph, "What Does It All Amount To?" in Rolph, op. cit., p. 198.

There are two conceptions of proper police behavior which correspond to the level of social control which they exercise. These are the "legal" conception, and the "interactive" conception. The conceptions consist of sets of expectations about the behavior of police officers in various situations; specifically, whether the officer should invoke secondary or tertiary social controls. To an extent, the "legal" conception is held by the middle class in our society while the "interactive" conception is held by the lower class, which results from their existential positions relative to police activity. William F. Whyte observed this pattern in "Cornerville:"

> "There are prevalent in society two general conceptions of the duty of the police officer. Middle class people feel that he should enforce the law without fear or favor. Cornerville people and many of the officers themselves believe that the policeman should have the confidence of the people in his area so that he can settle many difficulties in a personal manner without making arrests. These two conceptions are in a large measure contradictory. The policeman who takes a strictly legalistic view of his duties cuts himself off from personal relations necessary to enable him to serve as a mediator of disputes in his area. The policeman who develops close ties with local people is unable to act against them with the vigor prescribed by law."[3]

William Westley found in his study that a police officer assigned to a beat in a slum area:

> "...found that upon doing a favor for somebody he had to allow them to reciprocate the favor: to buy him something, a hat, a pair of shoes, a meal; and that when he refused to accept the

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[3] William F. Whyte, Street Corner Society, Univ. of Chicago Press, Chicago, 1955, p. 136.

> return favor the people looked upon it as an attempt to hold something over them. In the slum jungle, law is particularly prominent and reciprocal incrimination is regarded as a prerequisite to friendship."[4]

In general, people who have had contact with the law, or people who live in social areas where such contact is common, believe the interactive conception of police behavior, and people who have not had such contact, except perhaps for traffic tickets, believe, more or less, in the legal conception. There are people, of course, who have never had an experience with the police themselves who have many of the negative expectations associated with the interactive conception because of their political commitment to causes which involve lower class people. Social workers, civil rights activists, VISTA volunteers, and other community organizers, though generally of middle-class extraction, have had enough vicarious experience so that they hold to the interactive conception. They tend to hear of the negative aspects of interaction with the police more often than the positive ones for a variety of reasons.[5] Even so, middle class activists in lower class settings provide a demonstration of the existential basis of the two conceptions.

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[4] William A. Westley, The Police: A Sociological Study of Law, Custom, and Morality, unpublished Ph. D. dissertaion, University of Chicago, 1951, p. 152.

[5] Some are, 1) they expect brutality stories and give them private attention, and news space, 2) the lower class people who are involved in civil rights activities are not likely to be on the receiving end of many benefits from informal interaction with the police, 3) some things which appear to be benefits to some lower class persons would not appear in the same light to middle class people, for example, immunity from arrest for minor illegal activities is more valued by

The police officer is also aware of these two sets of expectations and he guides his action, in part, to take account of them. When he is in the street, he is not very visible to the command level of the police department so he can respond to interactive expectations. The command officers appear to know that he does this, in general, and they only get disturbed when it becomes too overt. A police captain interviewed before World War II by William F. Whyte said about the numbers racket:

> "As long as it is kept quiet, the cop can't complain. We might say, "For God's sake, don't write them under my nose. Go in the back street." The police have to see that it doesn't become too open. Of course, if an officer accepts money to let them do business, that's a very serious thing."[6]

The policeman is not very visible to people in the street (in the sense of knowing what he is doing) unless he is actually interacting with them, so he can occasionally follow the legal conception completely without "ruining" his street reputation. Thus the officer segregates

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people so engaged than by the disinterested observer; similarly, middle class people do not look on policemen as marriage counsellors as some lower class people do, 4) "bad" police action appears to be directed against civil rights activity, to the activist, while "good" police action may appear patronizing. Neil Smelser has pointed out that civil rights activists attempt to control the police by forcing them to adhere to "legal" forms of sanctioning. (Personal communication.)

[6] Whyte, *op. cit.*, p. 137.

the contradictory role expectations by maintaining low visibility and manages to adapt. As will be brought out later, the balance which is struck and the tension which it causes varies with the closeness of the officer to the public. Any course which he follows has its perils:

> "A patrolman can therefore compromise his legitimacy while maintaining order in one of two ways; either by visibly betraying his obligation to enforce some rules of law or by fulfilling these obligations in ways that conflict with the moral standards of the local population. If he is too legalistic, he runs the risk of being perceived as arrogant and unjust; but if he tailors his standards to the practices of the neighborhood rather than to its ideals, he is looked down on for abdicating his responsibilities altogether."[7]

Police Officers' Assumptions Regarding Neighborhoods

Neighborhoods are associated with different types of crime and have different reactions to criminal activity. In his patrolling, the officer is advised to look for certain types of criminal activity which are often associated with specific areas.

On occasion, police departments go so far as to make building-by-building studies of the areas they deal with, scoring each block on the basis of its police hazards, and assigning patrol areas on this basis.[8]

In addition, the officer can expect different customs regarding citizen's definitions of what ought to be considered a legal offense, and different levels of concern about the activity:

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[7] Carl Werthman and Irving Piliavin, "Gang Members and the Police," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, p. 66.

[8] Richard L. Holcomb, Police Patrol, Charles C Thomas, Springfield, Ill., 1948, p. 17.

> "A street fight in the upper-class residential section of a large city will result in numerous calls to the police. The same kind of activity in other areas may go unreported unless discovered by the police on patrol. The shot of a pistol, the scream of a woman, the tampering with a car, or the carrying of appliances through the streets in the dark hours of the morning--all indications of a possible crime--may bring residents pouring out into the streets in some areas, while not even arousing curiosity in others. These varied reactions, by the way, have important implications for the police administrator. He must make a difficult choice: to allow the indifference to dictate adoption of a lower level of enforcement in those areas in which such indifference exists, or to hold to a uniform city-wide policy of enforcement despite the lack of citizen cooperation in some areas."[9]

After the police administrator makes his "difficult choice" the officer in the field will make his easy choice. He will usually patrol looking for "good" crimes and overlooking almost all others unless a citizen actually complains. Even when a citizen complains, the officer is likely to share the neighborhood's lack of concern, and, as a consequence, take little action. When an officer new to a Negro "ghetto" beat in Westville gets excited over a battery, the cynicism and sarcasm of the older officers is immediate. One partner commented to me in this situation (while a new officer was calling over the radio for additional units to cover an area to look for a suspect): "Would you believe a man actually hit his wife, in Westville?"[10] In other words, the officers have conformed to the interactive institutions with which they are in direct contact so often that they have become habituated to responding in that way in that situation. Another officer made it clear that he was simply taking a reactive position to law enforcement:

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[9] Herman Goldstein, "Citizen Cooperation: The Perspective of the Police," in The Good Samaritan and the Law, edited by James M. Ratcliffe, Anchor, Garden City, New York, 1966, p. 203.

> "If they want to sign a complaint and prosecute, I'll go all the way with them and help them all I can. But if they are just going to diddle around (i. e., not prosecute) like usually, I could care less. Why bother?"[11]

A consequence of attention to objective indicators of criminality and to this negative assessment of the commitment to legal norms of the people in certain neighborhoods leads the officer to assume that certain types of people, and certain areas of the city (along with their inhabitants), are inherently suspicious.

> "According to both gang members and patrolmen, residence in a neighborhood is the most general indicator used by the police to select a sample of potential law violators. Many local patrolmen tend to consider all residents of "bad" neighborhoods rather weakly committed to whatever moral order they make it their business to enforce, and this transforms most of the people who use the streets in these neighborhoods into good candidates for suspicion."[12]

In many instances, the assumptions on which a police officer operates are based on an accurate assessment of pertinent aspects of the interactive reality available to him. This being the case, his assumptions are pragmatic and may not fit well with formal legal conceptions. On occasion, they may seem to be prejudicial, and in the strict sense are, but it is important to realize that he must make these pre-judgements to identify likely subjects for suspicion. One writer on police procedures suggests:

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[10] Field Notes.

[11] Field Notes.

[12] Werthman and Piliavin, op. cit., p. 76.

> "Whenever you find that one (tavern or pool hall operator) was arrested for some illegal activity, you can be fairly sure that he is still involved in something illegal. Although a man's past record should never be used to persecute him, it would be silly to forget it in the naive belief that every person sent to jail or prison will be miraculously made honest by their experience. ... Use a man's past record as a basis for suspicion until his actions prove to you that your suspicions are groundless. To assume a man to be honest until you discover otherwise will brand you a 'chump'."[13]

Thus the patrolman in these cases operates on an interactive presumption of guilt, the opposite of the legal presumption of innocence.[14]

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[13] Norman L. Clowers, Patrolman Patterns, Problems, and Procedures, Charles C Thomas, Springfield, Ill., 1962, pp. 237-238.

[14] It may be that other people who have never been arrested are as likely to be engaged in current criminal activity as ex-convicts. To the extent that this is true, the practice of basing suspicion on past record will tend to be a self-fulfilling prophecy: more suspicion will mean that more ex-convicts are arrested than their portion of current criminal activity would warrant. To the extent that there are some social locations which are more likely to produce criminal activity than others, and to the extent that people arrested for such activity return to such locations, however, the policeman's suspicions will raise his probabilities of preventing or suppressing current criminal activity. Since the exact parameters of criminal activity are unknown, it is impossible to state unambiguously whether attention to a person's

Some neighborhoods may actually be organized along criminal lines, or criminal activity may be so important that the citizen who lives in the neighborhood is fearful of even reporting offenses of which he is the victim.[15] Naturally an officer working in such a neighborhood will have different expectations and will act differently toward the people than he would in a less criminal neighborhood. One of my partners commented, as we were recovering a stolen car in the middle of a housing project, that we were, "In the heart of enemy territory." I looked around and saw sixty or seventy impassive, hostile faces looking at us and was inclined to agree.[16]

It is often assumed by sociologists and other commentators on the legal scene that the higher the social class of a defendant, the better chance he has of getting off without harsh punishment. This

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record is, in fact, unfair discrimination. Even if it is, for the person, it is still a useful strategy for the officer.

[15] Malachi L. Harney and John C. Cross, The Informer in Law Enforcement, Charles C Thomas, Springfield, Ill., 1962, pp. 23-24. They suggest that certain neighborhoods in New York have their own Mafia patrols which drive up and down the streets. Goldstein, op. cit., p. 204.

[16] Field Notes. This feeling exerts a powerful influence on the officer's conceptions of the people in a neighborhood. Officer Minderman comments: "In slum neighborhoods, the patrolman exercises much more discression. Batteries, minor assaults, trespass, and drunkenness are largely overlooked or "kissed off." The officer realizes that such legal violations are not "actual" transgressions because such behavior is expected. If police in slum areas were to apply criteria used in middle class areas for making arrests, the results would be catastrophic."

observation is probably true for major crimes and the legal process seen as a whole, but for minor crimes and the situations of arrest, bail, and court appearance, the people who have experienced them most often know the most about them and consequently come out best. Particularly in recurring situations, the law may have been explained many times by many officers to the same person. Juveniles who have been processed know the ropes. They tend to be affectedly polite, cooperative, and silent, knowing that anything they admit can be used against them. They know that "special officers" or merchant policemen have only a citizen's powers of arrest, and treat them with contempt. They know that the Westville police usually do not transport prisoners in patrol cars, but use a wagon, and so will harass patrol officers mercilessly until a patrol wagon shows up, whereupon they scatter in all directions.[17] One of the officers interviewed by William Westley also commented on this situation:

> "I was amazed at the knowledge these people (in a slum area) have of the law. For example, if they take a beating, they know that they have to swear out a warrant before the policeman will arrest the other man. Nobody in Park Manor knows that."[18]

It has often been my experience in responding to a call about a family fight for the first words spoken to be, "He hit me and I want to arrest him." This indicates that the complainant knows that for a misdemeanor not committed in the officer's presence a citizen who witnessed the offense must make the arrest. I have no way of knowing how widespread knowledge of this point of law is in the middle class, but I think that it is rare. An important consequence of this knowledge of the law is that the officer cannot bluff knowledgeable people so easily.

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[17] Field Notes.

[18] Westley, op. cit., p. 272.

Police Officers' Assumptions Regarding Individuals

The legal conception of the police officer is hardest to fulfill when the officer gets to know routine offenders as individuals, that is, when he has established some interactive institutional relationship with the person. Knowing what he does about the individual's situation, the officer may make more sophisticated judgements about the disposition to be accorded in the individual case, judgements which take law into account only if it is useful and relevant. Egon Bittner observed the following with a mentally ill person:

> "... a young woman in agitated distress was taken to the hospital in part because her fiancé arrived on the scene and proposed to take over. Prior to his arrival the officers were about ready to leave the patient in the care of her mother and a neighbor who appeared to have a soothing influence on her. The entry of the fiancé seemed quite innocuous to the observer, but the officers gathered from his remarks that the arrangements he had in mind were not only not feasible but even destructive. The evaluation was possible because the officers knew many factual details about the places, persons, and arrangements the man envisioned."[19]

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[19] Egon Bittner, "Police Discretion in Emergency Apprehension of Mentally Ill Persons," Social Problems, 14, 3, Winter, 1967, p. 287.

Personal knowledge of offenders may also make their various denials and misrepresentations transparent:

> "At some point during adolescence, however, a gang boy becomes recognizable to patrolmen by name. And when this happens, there is no longer any real escape from constant surveillance by the police. Most of the techniques used to dodge the situation of suspicion are rendered useless. Even if precautions are taken, the boys usually find that they are still trapped. Their place in the situation of suspicion becomes permanent."[20]

The importance of interactive institutions in decisions about the use of tertiary controls may be seen from these following incidents.

My partner and I responded to a call regarding a family fight. When we arrived, the story was a usual one: the husband had awakened and found that his wife was trying to stab him with a pocket knife. The usual disposition in such a case would be to talk the incident out and when everyone seemed cooled off, to leave. In this particular case, however, I knew that just sixteen days before the man's wife had slashed open the back of his head while he was sitting at the dinner table, because I had participated in her arrest for "assault with a deadly weapon." Such being the case, we convinced the husband that he should leave the house for the night, or he might be killed, and my partner made the knife "disappear."[21]

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[20] Werthman and Piliavin, op. cit., p. 85.

[21] Legally we could not confiscate it, but if left in the situation, it might have become a murder weapon, so my partner dropped it in a bush on our next assignment.

On another occasion, a partner commented when we got an assignment, "Mrs. Green is drunk again." When we arrived at the address Mrs. Green was indeed drunk, and I remembered that I had been there the week before with a different partner.

On a third occasion, a return call to a family fight resulted in the husband leaving. There was some mention of a missing gun, and my partner later commented that the solution to that particular family's problems might not be far away. He said that if one shot the other then we could take the body to the morgue, the killer to jail, and the kids to the welfare department and the problem would be solved. The frustrations of returning again and again to a situation where nothing useful or permanent can be done may lead the officer to hope for some resolution, and not to worry too much about what it might be.

On a fourth occasion, as we drove past a house, my partner stated that a four-generation police-problem family lived there. The great grandmother, grandmother, mother, and ten-year-old daughter had all been arrested numerous times, generally for prostitution. The family had been a problem for the Westville Police Department for more than thirty years, according to the stories my partner had heard. He had only been on the department for a few years and had only had an opportunity to arrest three of the four generations.[22]

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[22] Field Notes, all four incidents.

Problem families have also been observed in other cities.[23] The social control likely to be exercised by his family plays a large part in the legal disposition of a juvenile, if it is known to the officer.

> "There is even some evidence to suggest that assessments about the type and quality of parental control are even more important factors in dispositions than any of the offense-related criteria. One of the main concerns of a juvenile officer is the likelihood of future offense, and this determination is often made on the basis of "the kinds of parents" a boy happens to possess. Thus the moral character of parents also passes under review; and if a house appears messy, a parent is missing, or a mother is on welfare, the probability of arrest increases. Similarly, a boy with a father and two older brothers in jail is considered a different sort of person from a boy whose immediate family is not known to the police."[24]

Some Origins of Cultural Expectations of the Public Regarding Police Action

The "legal" conception of police behavior held by the middle class depends for its continuance on a certain separation from the realities of lower class life and street life in general. The middle class person may contact a police officer now and then and find the contact a pleasant experience because both he and the officer define the situation in non-criminal terms and the officer makes a conscious attempt to adapt his language and actions to the social status of the person he is dealing with. When a middle class person, who expects that other people will be dealt with by the police as he has been, sees the police fighting a drunk into the patrol wagon, he assumes that the drunk "started it." He is unlikely to see much of this street life, though, because the paths of middle class and lower class people seldom cross either in space or time, and even should they physically cross, their meanings and expectations differ so markedly that they can hardly be said to be in the same place. A street is something for a middle class person to drive down, someplace to meet friends and carry on business for the lower class person. The middle class person does not see the lower class world as he drives by, and the middle class person's car is part of the background for the lower class person. A contact with the police takes on its subjective meanings from the context in which it is carried out.

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[23] Field Notes, not Westville. Officers I have talked with regarding problem families seem to be hopeful that one child or another from the family will grow up without going to jail, but resigned to the probability that most will not. It is disheartening to an officer who feels some interest in his beat to watch child after child grow up and be sent first to the Youth Authority and later to prison. The fact that the officer is aware of the family as a problem is not always a self-fulfilling prophecy, as some sociologists have seemed to suggest. Many times the members are arrested by officers of other cities, and the beat officer only later finds out that another boy is in the Youth Authority. Being arrested for car theft does not depend on the presumed moral character of a boy's family, but on being caught. It is possible that the ultimate disposition will depend, in part, on the circumstances of the family, but this is seldom the case in the initial apprehension.

[24] Werthman and Piliavin, op. cit., p. 73.

To over simplify a situation which is actually quite complex, there are dealings with the police surrounded by "good" and "bad" conditions. There is a persistent ecology of conditions which goes a long way toward defining the nature of a police-citizen contact.

Contacts which take place between the police and persons who "belong" in an area, during the day, which are citizen initiated, tend to be helpful and polite, especially if the area is middle class and residential. This is because nothing in the situation alerts the officer to the necessity of tertiary controls being applied. Contacts which the officer initiates, at night, with people who do not "belong" in an area, are likely to be punitive, especially if the area is lower class and industrial. Because the officer assumes that people in such situations are without reliable secondary controls. All of these elements do not need to be present to define the contact, and in some instances a person who belongs in an area will be more doubtful than a visitor, but, on the average, it is possible to predict that the behavior patterns of middle class people will tend to have them interacting with the police under "good" conditions and the behavior patterns of lower class people will predominantly cast them into "bad" conditions. Thus, quite independent of the characteristics of the individual, the experiences of people in different social classes will tend to reenforce the "legal" conception for the middle class and the "interactive" conception for the lower class.

Should anyone wish to experiment to test the truth of these assertions, they could try, first, asking directions to a restroom from a police officer in a park on Sunday afternoon, and, second, walking slowly around in a lower class or industrial district with a suitcase at two a. m. The contacts will probably be quite different, but somewhat typical of the routine middle class and lower class police contacts.

Conditions Supporting and Undermining the "Legal" Conception of Police Behavior

The "legal" conception (or tertiary social control agent exclusively) of police behavior requires that the officer function as an impartial, honest, uninvolved, dispassionate legal officer in all situations, in spite of any provocation. It serves a useful function as an ideal, even though it is never reached.

The more separated the officer is from the public, the more easily he can approximate the behavior required by the "legal" conception. State police forces which are not in contact with individuals except for law enforcement purposes are much easier to keep corruption-free than are municipal departments.[25] When an officer walks a beat, he is in constant human contact with the people of his beat and he begins to respond to them as people with whom he has understandings rather than as legal problems. The patrol car officer is in less contact and consequently knows fewer people, and so treats more people as legal problems. When police operations are centralized and district stations are eliminated, officers may be assigned to different beats and different shifts around the city as the need arises, further cutting off contacts with the public.

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[25] Ralph Lee Smith, The Tarnished Badge, Thomas Y. Crowell Company, New York, 1965, p. 146.

The officer who is in contact with the public may be seen as functioning as an agent both at the secondary level of social control and at the tertiary level, while the isolated officer functions largely on the tertiary level using negative legal sanctions instead of positive and negative, interactive ones. The "legal" officer is a rationally efficient bureaucrat carrying out his mandate without fear or favor. The "legal" image is a good one, for public relations conceived as an advertising man would think of it. It is "professional" appearing, and difficult to criticize except for its coldness. The officer who follows the "legal" conception most of the time may be an efficient police officer, or he may not. He is certainly going to limit his access to information from the underworld, and tips from friendly merchants, because he will have little contact with them.

Support for the "legal" conception may be mobilized by a public opinion process started by a police scandal based on illegal "interactive" practices. A cry for reform may cause a police department to adopt rigid controls and "professional" procedures. Public opinion is not a constant, however, and unless there is a "blow up" the people in the community have no effective way of transmitting their day-to-day feelings about the police to anyone who has the power to do anything about it. The police adopt and maintain "legal" behavior in anticipation of the occasional serious mobilization of public opinion. When there are powerful community groups ready to make an issue of any police failure to live up to the legal conception, there is, of course, pressure within the department for the officers to behave accordingly.

Incidents which affect opinion leaders are more likely to result in effective pressure on the police, for good or ill, than incidents affecting the powerless. Westley gave an example:

> "The public, and, for the purposes of our case, we will represent it as the middle class club woman, in city X, long condemned the laxity in the enforcement of vice and gambling laws in city X, yet did nothing extraordinary to indicate their dissatisfaction in this area. However, when the police failed to immediately apprehend the murderer of one of their group, they raised a public outcry, organized and financed a powerful committee to investigate the police and politics in their city."[26]

Support for the "legal" conception also comes from progressive police administrators who wish to adopt business-like techniques to improve the reputation, quality, efficiency, honesty, and prestige of police work. On occasion, their desires put them in conflict with the officer in the street who is being required to do something very difficult; be in contact with the public but react only in an official manner.

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[26] Westley, *op. cit.*, p. 126.

The Officer Reacts to the Assumed Power or Status of the Offender

The "legally" oriented police officer treats everyone alike. No matter what the social position, race, or sex of the offender, the important consideration is the illegal act which they have committed. The head of the largest business in town and the shoe shiner on the corner are, and should be, equal before the law and its representative, the police officer. Both should be arrested if they break the law, and both treated with the same consideration and respect for their human dignity. Persons who have achieved the status of "criminal" can, of course, be treated with the appropriate precautions, but otherwise as any other person. This set of expectations is an ideal, but an ideal hard to reach in police service.

One factor which makes the "legal" conception easier to sustain is for the officer to be unaware of the social status of his suspect. In order for the officer to act on the basis of an ascribed status, the fact that the person has such status must be known to him. This may come about if the officer is isolated from the public. It may arise as a consequence of the size of the city. It may arise if the officer is a stranger to the community he works in. In a small town, in a situation where the officer has contact with the public, in a community which is his home town, the officer will be aware of many, many people in the community, their positions, and their names even if he has not ever met them. In a town with one school, one bank, one hospital, and one large manufacturing plant, every teacher, banker, doctor, and manufacturer will be known to the police officer. He may not have met them, but when they identify themselves to him, their position and function in the community becomes instantly known. In such a community, an arrest may have disasterous consequences for the individual arrested, and this, too, is known to the police officer. He may decide not to arrest on this basis.[27] In a larger city, far fewer of the occupants of these positions are known to the officer, and he may feel nothing about the consequences of the arrest for their career. In a city with a hundred banks, dozens of schools and hospitals, and perhaps a thousand manufacturers large and small, such as Westville, there are many people who would get special consideration from a small town police officer who get routine and "legal" treatment. It takes far more status to get a "break" from the police in a large town than it does in a small one.

One way in which a legal or interactive orientation is manifested is in the demeanor of the officer. Michael Banton wrote:

> "...many of the policemen whom the author has observed on patrol,..., in practice adopt an impersonal manner with socially superior offenders and a familiar one with socially inferior offenders."[28]

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[27] Wayne R. LaFave, Arrest, Little, Brown and Co., sine loco, 1965, pp. 141-142.

[28] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, p. 186.

In my own experience, I have noted that the officers I have ridden with almost invariably, there have been one or two exceptions, will address a Negro complainant or offender by his or her first name and will use "Mr." or "Mrs." if the person is white. It is difficult to tell if this is a specifically racial reaction because Westville has almost no poor whites for comparison.[29]

Another way in which an interactive institutional orientation is sometimes developed was observed when I was riding with an out-of-state police department. As we passed a downtown club where a debutante ball was in progress, I asked whether they were going to do anything about the fact that in a short while a great many drunk, under-age couples would be driving away from that party. One officer responded:

> "Not me. I stopped a big shot once. Never again. The next morning he had me up before the chief accused of shaking him down for a hundred dollars. He sued, and I almost lost my job."[30]

When I have mentioned this incident to Westville officers, they have been incredulous, and unanimous in asserting that "it couldn't happen here." In general, middle class drunk drivers have a lower probability of being arrested than do lower class drunk drivers because the areas in which they drive are less likely to be frequented by police patrol units. Police cars are assigned on the basis of the need for their services, and this need is greater in lower-class areas so there are more units which can observe a lower-class person on his way home, and possibly arrest him if there is no other pressing business. Similarly, honest citizens in high crime areas are likely to be mistakenly stopped and treated as if they were criminals because the police officer ascribes criminal status to the entire area.[31] Street gatherings in such areas are dispersed where they would not be in a middle class area because the officer feels, often correctly, that this will prevent fights and disturbances.[32]

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[29] Officer Minderman suggests that it is a matter of "communication" at theclient's social level.

[30] Field Notes, not Westville. Officer Minderman comments: "He either "shook him down" or tried to or he is not telling you the whole truth. If an officer should have an incident with someone of background, he must protect himself, follow through with maximum formal action; to do otherwise leaves the officer with no defense should a complaint be made."

Although the police officer may have some difficulty in perceiving the socio-economic status of the person with whom he is dealing, he has no difficulty in perceiving the race. Race is an important basis for interactive orientation in police work. Although Westville officers that I know never refer to Negroes publicly by any slang terms (it has been specifically prohibited by a departmental order),[33] in the privacy of the patrol car, Negroes are "animals," "cannibals," "orangutans," "spear chunkers", or "spear chuckers" to some officers. To a great many more officers, the Negro, complainant or offender, is an object of derision. It is quite common for officers to adopt an exaggerated southern dialect mocking the Negroes' typical complaints, when the subject comes up.[34] Additionally, some officers use a slang expression, "T.N.A." which means "Typical Negro Action," to dismiss almost any behavior they disapprove of. It can refer to a group of teen-agers dancing to a transistor radio on a street corner, to teen-agers verbally harassing the police as they drive by, or to the complaint of a woman who has just been hit by her boyfriend or husband.[35] The use of this term, "T.N.A.," signifies that the officer is bored by the act and considers it the product of a degraded person of whom better is not to be expected. Important as these negative attitudes are, the relation of the police officer to Negro crime and violence is more affected by several structural factors than by the individual officer's attitudes.

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[31] Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, pp. 217-218.

[32] Banton, op. cit., p. 131.

[33] Skolnick, op. cit., pp. 80-81.

Historically, the problem of crime and violence in the Negro community has been of relatively less importance to the police than crime and violence in the white community. In many instances, the police let customary dispute settling procedures, i. e., secondary social control, carry the burden without imposing formal legal sanctions. Albert Reiss and David Bordua wrote:

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[34] Field Notes, Westville and all other cities observed. William Westley also found this pattern to be common, *op. cit.*, p. 168.

[35] Field Notes, not Westville.

> "Among the private arrangements that the police may allow to stand is the use of violence among subordinate or peripheral groups in the society. The most outstanding instance until recently has been the willingness of the American police to respect intraracial violence among Negroes, thus implicitly defining the Negro population in a sense as a group "without the law."[36]

Or, as a southern Detective Captain said at the time of the First World War:

> "In this town there are three classes of homicide. If a nigger kills a white man, that's murder. If a white man kills a nigger, that's justifiable homicide. If a nigger kills a nigger, that's one less nigger."[37]

The idea of professional police work, the ideal of proper, "legal" social control, requires that the protection of the law be extended into the Negro community and that the law be enforced on the basis of the violations rather than the interactive institutions of the participants. To the extent that this takes place, the apparent crime rate, the statistics of "Crimes Known to the Police," will increase in the Negro areas of the city as official action replaces private violence. At present, Negroes who live in predominantly Negro areas are victims of under-enforcement of the law far more than of over-enforcement.

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[36] Albert J. Reiss, Jr., and David J. Bordua, "Environment and Organization: A Perspective on the Police," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, p. 31.

[37] Cited by Banton, op. cit., p. 173.

Almost all sociological writers on police work have mentioned the under-enforcement of law in Negro communities.[38] Even though the professional orientation is making a great deal of headway, two incidents in which I was involved show the pattern of legal under-enforcement still exists.

In the first incident, my partner and I responded to a call regarding a family fight. There was a great deal of confusion. In addition to the complainant, a twenty-year-old Negro girl, there were about a dozen other women and children in the small apartment, all talking at the same time. The girl had been hit in the face and body by her "common-law" husband, a twenty-year-old Negro. He had beaten her, knocked her down, and "stomped" her in the face. She had a large lump on the forehead where he had kicked her. They had two children, both small and crying. The officer taking the report tried to convince the complainant to sign the complaint and to agree to prosecute, and had her reluctant consent to do so, until one of the other women present convinced her not to. She then refused to sign, and we released her husband from custody. So long as the offense was interpreted as a misdemeanor, this was the only legal course of action open. It would also have been possible to have interpreted the offense as "assault with a deadly weapon," a felony, because of the use of the shoes in "stomping," and to have arrested the offender on the officer's own complaint. This might well have happened if the people involved had been white. As it was, it was written off as a "west Westville battery," and no action was taken.[39]

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[38] Banton, ibid., p. 138-139. LaFave, op. cit., p. 112. Skolnick, op. cit., pp. 171-172 referring to Westville.

In the second incident, another partner and I were assigned to investigate a missing person report. When we arrived, it was midnight on a Friday night. The complainant, a thirty-four-year-old Negro woman, said that her nine-year-old boy had run away from the house about 6 p.m. that evening and had not come home yet. A missing child of that age at that hour is officially interpreted as a matter of urgent concern unless the surrounding circumstances indicate otherwise. In this case, because he had left with other boys his age (whom the mother did not know), the officer advised her not to file a formal report of a missing person, because the boy would probably show up in the morning and the result of filing a report would be that there would be police officers all over the area looking for him for hours. She reluctantly agreed not to file a report and we left. As we left, my partner commented on the smell of urine in the house, and on people who didn't know who their children's friends were. Had the complainant been white, and living in a good neighborhood, a missing person broadcast would probably have been made under the same circumstances.[40]

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[39] Field Notes.

People build their expectations of the police from their experiences with the police, the things they read, and the experiences they hear about from their friends and neighbors. Negroes in Westville have come to expect little from the police because of incidents such as the above. As the thrust toward the "legal" conception of police behavior continues, two results can be expected. First, some Negro complainants will get better legal service which they may or may not turn out to appreciate. (Should the husband have been arrested in the first incident mentioned above, the wife might have suffered in the long run, when he got out of jail.) Second, there will be increasing cries of "police persecution" and complaints about the "white man's law" being imposed on the black community, because many people not currently arrested will be going to jail, some for long terms. These people will prefer the "interaction" conception officer, who let things ride. The net effect may be a reluctance to call the police about interpersonal matters and an apparent reduction in the need for police services. Imposition of uniform legal standards appears to be inevitable in the long run because an increasing respect for legality in police work will gradually invade even the worst areas of the cities, even though at present neighborhoods tend to get the kind of law enforcement they desire and show they are willing to accept.

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[40] Field Notes. Officer Minderman comments: "If that boy had turned up dead, then the officer would have been in trouble."

The Officer is Presented with Extra-legal Requests

A great many people who hold to the "interactive" conception of police behavior expect the police officer to be generally helpful in his relationships to them. Many poor people use the police as the first port of call in times of trouble. The police are used where the middle class would call a family doctor, a marriage counsellor, or a minister.[41] In many cases, the police officer arrives at the scene of some sort of disturbance and finds that there is no legal action to be taken, or that any legal action which could be taken will make the situation worse, and he is left in the position of being a relatively knowledgeable outsider who can suggest various courses of action to the people there. While a strictly legalistic interpretation of his duties would suggest that he ought to refrain from offering advice, in the human situation he faces, he can often be of some help, and can render a service to the public. Sometimes this is a referral to other agencies, sometimes specific advice. Depending on the officer and the situation, the advice may be given in a helpful or disgusted manner. I have seen officers suggest consulting a doctor, a psychiatrist, or the juvenile bureau of the police department. I have seen officers suggest that one person leave the house in order to avoid more trouble, and I have seen officers suggest that couples get a divorce, stop drinking, and be more tolerant of each other. The advice does not appear to be of very high quality, often, but it may be better than any other the people involved could get at the moment, and they may know the police officer better than they know any professional counselor.

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[41] Elaine Cumming, Ian Cumming and Laura Edell, "Policeman as Philosopher, Guide and Friend," Social Problems, 12, 3, Winter, 1965, p. 285.

The Officer's Emotional Involvement

According to the "legal" conception, the police officer should carry out his duties in a rational and emotionless manner, with dignity and impartiality. Police officials sometimes feel, according to Banton, that patrolmen are "insufficiently dignified both on the street and in their dealings with citizens."[42] And that the public will not believe the officer important if he does not appear so. As one police writer put it:

> "The public looks upon these (uniformed) officers of the law as reflecting the law in all its aspects. Thus, if a policeman is uncouth in the way he applies the law, the citizen will think that not the policeman alone but the law, as well, should be changed. Moreover, the conduct of a policeman in uniform is extremely important with reference to the reputation of the entire force."[43]

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[42] Banton, op. cit., p. 228.

[43] Raymond E. Clift, A Guide to Modern Police Thinking, 2nd ed., W. H. Anderson Co., Cincinnati, 1965, p. 217.

On the other hand, the officers themselves know that a friendly approach is likely to allow them to define the situation in such a way that they will not have to fight with a suspect.[44] On occasion, an officer may fake affectivity by, for example, swearing at an offender so that he can be "punished" without the necessity of arresting him which, of course, is an interactive sanction.[45]

Regardless of the "legal" conception, it is to be expected that on occasion even the most dispassionate officer will become personally outraged at some turn of events, and when he does so, he may use his legal police powers in service of his own emotions. Officers may not even have to misuse their powers, they may simply choose to use them where in their own discretion they would usually not do so. Thus persons who curse at police officers can expect that, at the least, their infraction will be viewed and reported in the most serious light possible.

People who have had experience with police officers know that they get affectively involved in their work. One writer on "policemanship" suggests:

> "Respect is the key. If you treat police officers with respect you will have less trouble in your relations with the police than if you do not. If you cause or permit a police officer to feel that you do not respect him or his department, you may

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[44] Banton, op. cit., p. 228.

[45] Ibid., p. 185.

be beaten up, arrested roughly or shot."[46]

This is too strong a view, but it is one that is held by many people the police deal with.

The Officer's Own Interactive-Institutional Relationships Affect His Action

The "legal" conception police officer enforces the law without regard for the relation the suspect has to him or the police department. If the Mayor's car is parked illegally, it gets a ticket, if the policy is to only accept cash for bail, the check of the most influential man in town will be refused.[47]

Generally, the one group of people who most benefit from their interactive relation to the police officer consists of other police officers. Police officers do not usually write tickets for other officers. One officer referred to this practice as the "Policemen's Protective Association," others as "professional courtesy." Some police officers take advantage of their marked patrol cars to drive at high speed in the city, some routinely run red lights even on non-emergency calls; as one officer put it: "Who is going to arrest me?"[48] Off duty, police officers make a point of identifying themselves if they are stopped, and they usually get special consideration.[49] Sometimes officers leave their Arrest form books or Field Interrogation books on the dashboard of their private cars so that other officers will notice and not write them parking tickets. Other officers leave their official calling cards on the dashboard for the same reason.[50] None of these techniques is fool-proof, however, because some officers do not play the game and others do not notice. Officers consider it almost a "right" of the job. Banton mentioned that the southern officers that he interviewed were usually able to avoid tickets.[51]

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[46] Doc Stanley, "Policemanship, A Guide for the Arrested," Berkeley Barb, April 15, 1966, p. 4.

[47] These two incidents actually happened in a small, high status community. Field Notes, not Westville.

[48] Field Notes. Officer Minderman comments: "If he were involved in an accident, it would be difficult."

So long as police officers can use discretion in any case at all, it must be expected that persons who are in a particular interactive relationship with the officers will benefit from this discretion. It was explicitly stated in training that one should not arrest one's own grandmother for drunk driving, and implicitly this protection is extended to all those who are law-enforcement "relatives" as well, because secondary sanctions can be brought to bear on officers who "misuse" their powers by fellow officers.

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[49] Not always. Sometimes they will get a ticket. One police chief from a small town apparently got a ticket from the highway patrol and he was so angry that he ordered his officers to ticket parked highway patrol cars if they were parked illegally. Another officer simply had his speed reduced on his ticket, but he still got a ticket. One officer told my wife that he would not have given her a ticket had he known I was an officer before he wrote it.

[50] Officer Minderman comments: "All very common practices."

[51] Banton, _op. cit._, p. 221.

Self Interest May Lead to Corruption

The "legal" conception police officer serves the city he works for and the public interest in general. He does not use his office for private gain. The rules of practically every police department prohibit the accepting of gratuities, engaging in politics, drinking on duty, and arresting in his own disputes.[52] In many cases, the officers themselves are highly critical of other officers who engage in this sort of activity because they feel, correctly, that it does more to degrade the image of the police than any other activity. In Chicago, ". . . most policemen reacted to the new system with relief," when O. W. Wilson stopped bribes.[53] In Westville at the beginning of the Christmas season, a memorandum was distributed to all members of the department reminding them of the regulation which prohibites accepting gifts and gratuities. The possibility of big or important graft does not appear to exist in Westville, or in many police departments in Western states.

Some of those who hold the "interaction" conception of police behavior feel that the police officer is, or should be, open to bribes.

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[52] Banton, _ibid_., pp. 6, 124, 191. Westley, _op_. _cit_., p. 52. These rules are variably enforced from one place to another.

[53] Smith, _op_. _cit_., p. 204.

In relatively honest police departments, bribes of money are out of the question for most officers. There is simply no congruence between the amount of money which is likely to be offered and the amount it would have to be for the officer to risk his relatively high-paying and secure job.[54] If an officer's superiors are "on-the-take" the officer can be as well, but if they are not, then the interactive institutions will not support him and the officer must evaluate each bribe offer in terms of whether it is worth his job, and the possibility of ever getting another one.

The police officer is probably more honest than the average worker who comes from a similar background. Yet, a great deal of concern is manifested over police criminality. This concern arises because of the definition of the officer's role as society's agent, and because the officer's job is to suppress criminality. A police officer is thus held to much higher standards than is the average working man. If an employee steals, the "class" of employees, being extensive and indefinite, does not come into disrepute. If an officer steals, all police officers are degraded. When one officer steals, it is a chink in the moral armor of all, which is seized upon by people who themselves have been demonstrated to be morally flawed by the police and are seeking to "condemn the condemners."[55] A police officer must be

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[54] The same is true for college professors regarding grades.

[55] Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," American Sociological Review,

"above reproach" for this reason.

Importance of the "Interactive" and "Legal" Conceptions

Bloodless roles are difficult to live up to in any event, and a role such as the legally oriented police role qualifies as an exceptionally difficult one. One of the major sources of difficulty is that in his contacts with the public, the officer will not only be personally inclined to act according to the "interactive" conception because it is easier, but he will also come to understand that the segment of the public with which he has the most contact expects it, and will make their expectations known.

The most important variable in the existential relevance of the two conceptions is the amount of contact that the officer has with the public. In Westville, the few walking beats which still exist are reserved for those officers who have demonstrated to their sergeant that they have the maturity and judgement to handle the problems implicit in intensive public contact without creating bad public relations or a scandal for the police department. The "walking man" must create from the two conceptions a combination which will allow him to operate effectively in close contact with the public, a very

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Vol. 22, 6, December, 1957, p. 668, suggest that the condemnation of the condemners is a technique used by delinquents to neutralize their own guilty self-image. It is possible that the solidarity of the police and their separation from the public magnifies this reaction. Policemen are identifiable, school teachers or shop clerks are not.

difficult job.[56]

The choice for the officer between the two models may involve the decision to engage the interactive social controls existant in the situation by adopting the interactive approach, or having to engage the legal process instead by sticking to the "legal" conception. The officer using the "legal" approach has no particular trading material (i.e., interactive rewards) to get people to do what he wants, he has only legal threats and the fear he can produce of legal consequences.

Secondary Control by Tertiary Control Agents: Interactive Institutions and Legal Intervention

Behavior exists and arises out of the apparent necessities of the situation as they are apperceived by the participants. It is only later that people construct categories and systems of categories to describe the behavior which has taken place. These systems of categories may be well or loosely related to the feelings and customs of people actually engaged in the behavior; there are almost certain to be discrepancies. Many forms of behavior which are distressing to victims or participants have been made illegal, many have not. When an act has been made illegal, it opens the possibility that tertiary agents from outside of the immediate situation may become interested in it, and may take over the regulation of the behavior from people within the situation. When it has not been made illegal, but the interactive institution's control has broken down, people outside of the institution may act as umpires, but, generally, may not take over the regulation of the system. Since behavior itself is "meaningless," deriving its apparent meaning from the interpretations placed on it, people often are confused regarding the "proper" course of action to follow unless they are quite knowledgeable about the precise distinctions between the various possible formal systems of categorization. Since they are confused, and no other solution is immediately apparent, the police are often called to deal with behavior which is not illegal, though it may be "wrong" or immoral, which is distressing to the people in a situation. Obviously people who are in a position to call the correct agency, or to take other appropriate action, do not call the police to take care of routine trouble, unless it is legal trouble.

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[56] In the "old days" when everyone walked, the problem was not so crucial because legality and "professionalism" were not usually expected of the officer.

In a simple society where there is no great division of labor, and where most people are known to one another, at least by reputation, the "experts" in each specialty are known to all. Should a man have trouble with his wife, someone, the shaman, the chief, or some elderly woman, is recognized as the person to consult about the trouble. In a complex society, there has been increasing specialization in every field and there is no longer a single, recognized person to go to for each broad category of troubles. Should a man have trouble with his wife, he might go to see a medical doctor, a psychiatrist, a psychiatric social worker, a clergyman, a family service clinic, a bartender, a psychologist, a welfare worker, a lawyer, a police officer, or someone whose advice he feels would be good. Each sort of advice might be best for a specific situation, but what sort of advice is best for the concrete situation that he is involved in may not be known to him. The distribution of knowledge about such matters is not equal throughout society. Better educated people have a better idea of the range and variety of specialists who deal with personal problems than do the less well educated. Even should a well educated person not know the specialist he wants, he may know that he needs a specialist and he may know of someone whose specialty is referring people to other specialists. Even this knowledge may be unavailable to a poor or uneducated person. He may have a problem which he recognizes as a problem but not have anyone to call, or ask about it. In this situation, the poor person calls the police.

Unlike other tertiary social control agencies, the police will come when someone calls twenty-four hours a day, seven days a week. The police are the only city office open, the only legal office, often the only emergency medical service known to the person in difficulty, they are the only "family service clinic" with twenty-four hour home delivery of advice, and they are often the only people who will do anything at all about some situations, such as venereal disease among prostitutes. None of these areas are the primary responsibility of the police, and the police are not equipped or trained to deal in a very satisfactory way with many of the problems which arise. It is not always clear, however, when a legal,or tertiary control, problem may be involved, so the police must respond to calls, and once there they try to give what advice or help they can.

Interpersonal problems come to a head when people are interacting with one another. During the work day when the various specialists are holding office hours, the people who are their potential clients are also at work and separated from their wives and husbands. On the weekends when people are not controlled by the interactive institutions of their jobs, they spend more time in each other's company, they often drink and suppress whatever personal controls they might have in other situations, and when problems arise, the police are the only agency which can take care of them.

The police pick up many tasks because they are the only agency available. Emergency notifications for people who do not have telephones are sometimes taken care of by the police, as are found property, sickness, loose animals, and disputes between landlords and tenants. The police actually spend a large portion of their time dealing with such problems, and a relatively small portion dealing with crime, or crime prevention. In fact, if one were to duduce the mandate of the police from their time allocation, one might conclude that they were a miscellaneous social service and control agency which maintained a sideline in crime work. The fact that the police are not such an agency, however, keeps them from developing a sustained concern with the social problems which come to their attention.

Professional social work involves a planned intervention over a period of time and often a knowledgeable referral to other agencies. Since it is not officially their responsibility to take care of the various problems they do take care of, the police try to avoid the sustained interest which would be required to do the job well.

> "Whenever certain known persons come to the attention of officers, it is said that they are "acting up again." The avoidance of sustained concern and attention is part of the official posture of the police and an expression of the fact that the illness as such is of little interest and that it acquires relevance only through its unpredictable exacerbations."[57]

The intervention which the police practice often comes at a period in the development of the problem where "talking it over" is largely out of the question, because the problem has developed to the point that violence is highly likely, if it has not already occurred. When problems reach this point, there are few community agencies which are equipped to deal with them besides the police. The fact that police officers are armed and equipped for violence is necessary in many family disturbance calls. In the United States in the five-year period 1960-1965, fifty-four police officers were killed answering disturbance calls. This made disturbance calls one of the largest categories of police deaths for that period.[58] Even were some other social agency to attempt to take over the miscellaneous social control functions of the police, it would probably be necessary to arm them and equip them with police-type powers because of the potential danger of the situation.

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[57] Bittner, op. cit., p. 289.

Although most of the social service functions the police perform seem to be accidental accretions to their mandate resulting from their armed availability, there have been police officers and police departments which have suggested that some forms of social work were proper parts of the police function.

> "In a remarkable report on "Policemen as Social Workers," rendered in 1919, Chief Vollmer (of Berkeley, California) urged all cops to take an active interest, and even assume leadership wherever possible in general movements to improve their communities. It was an essential part of crime prevention and control, he said, for policemen to help get better housing in slum areas, better schools, more health clinics for children, improved welfare services for indigents, more adequate aid for the physically and mentally handicapped."[59]

The San Francisco Police Department has a far reaching Community Relations detail which involves its officers in the problems of the various minority groups in the city, in ways which are very much unrelated to conventional police work. This broadened view of the police function may well be the "wave of the future" but it faces many structural conflicts with conventional police organization, such as arise when Community Relations Officers do not inform the Department of crimes they become aware of, or when the Community Relations Officer sides with a complainant against the police, or when the officer "goes native" with the group he is serving.[60] The traditional social services which the police perform do not cause this conflict because the "police" function is always seen as primary, and other "professional" concerns are ignored. For example, should an officer become aware of a crime committed by a disputant in a family fight, he might arrest simply on the basis of the crime, or he might use the crime as a handy lever to solve the family fight for the moment. A social worker or any other person professionally concerned with the difficulties the family was having would not adopt the tactic of arresting one of the participants because it would ultimately worsen the situation, but it is a major tactic of the police because of their primary commitment to maintain public order and their lack of interest in the problems of the family. This same defect in the nature of the service rendered runs through all of the social services dispensed by the police. Each tertiary control agency probably functions best when it is providing the type of control in which its legitimated compentences lie.

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[58] "Police Officers Killed in the Line of Duty," FBI Law Enforcement Bulletin, April 1966, p. 25.

[59] Albert Deutsch, The Trouble with Cops, ARCO Publishers, London, 1955, p. 126.

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[60] These points were made by Richard Hongisto, a Community Relations Officer of the San Francisco Police Department in a seminar paper. San Francisco State College, Spring 1967.

Three Types of Extra-legal Social Control Provided by the Police

Alcoholics.--Alcohol is involved in many police problems. In many cases, the fact that a person had been drinking was undoubtedly related to the action which brought him to the attention of the police, but the police pay primary attention to the act and rarely arrest a person for drunkenness unless he is so drunk that he is incapable of caring for himself. Incapability varies with different situations. If a person is driving a car, he will be dangerous at a point where he would seldom be a problem were he not driving. If the weather is cold and rainy, the same level of drunkenness will be more dangerous to the drunk than if it is warm and dry. If a person has friends to take him home, he is in less danger than if he is living in the street. All of these factors seem to enter into arrests for drunkenness. As a consequence, some people are much more likely to be arrested for drunkenness than are others, notably homeless men. Their arrest also helps control minor crime. The process of arrest, re-arrest, short sentences and small fines does nothing to help the drunk except to give him a home for the night, which may be valuable in the winter but is no solution to the problem. In Washington, D.C., drunks are apparently sentenced to a rehabilitation center instead of jail.[61] Regardless of the ultimate disposition, at present, the social service rendered by the police is mostly keeping the drunk from dying of exposure. Some officers have suggested that the police could perform a more creative role:

> "Some may be inclined to think that Police Officers are paid to enforce laws, not to perform the duties of psychiatrists, psychologists, or social workers. Let us be realistic about this. We, as Police Officers, will be in a position to offer this type of professional help, by recognizing the symptoms of the problem, by understanding what action is necessary, giving the right advice and moral support long before any physician or social worker will have occasion to render their service. Time is of great importance, because the sooner the persons are afforded opportunities to help themselves, the less they will deteriorate physically and mentally, the less they will lose in terms of self-respect, employment ability, and family."[62]

The difficulty is that there does not appear to be any effective solution to alcoholism, particularly when it is found in conjunction with the life style of the homeless man.

On occasion, an officer will recommend to a wife who has a drinking husband that she have him committed by contacting the District Attorney's office for an alcoholic commitment petition. Possibly in some cases, officers offer other advice or referrals, but if they do, it is based on their own individual knowledge, not department policy.[63] With these exceptions, the only service performed by the police for the alcoholic is protecting him from danger and freezing, at a fair cost to him in terms of fine or jail term, by arresting him and sending him to jail. Drunk arrests are the largest single category of arrests for most police departments in the country. Legal controls are maladapted to controlling excessive drinking.

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[61] Edward J. Mowery, "Presto! Drunks Are Now Heroes," Westville Daily News, November 30, 1966, p. 28.

[62] Lt. Joseph R. Matejicka, "Police Management of the Alcoholic," in James E. Aaron and Albert J. Shafter, The Police Officer and Alcoholism, Charles C Thomas, Springfield, Ill., 1963, pp. 28-29.

Mentally Ill.--Just as with drinking, a great many of the people the police deal with are apparently afflicted with some sort of mental problem. Seen against the background of the people the police routinely deal with, a mental problem must be of some stature to become a matter of police concern. On two occasions, I have been in the homes of people who were extremely disorganized where the cause did not seem to be alcohol or drugs. In each case, both my partner and I recognized that we were in the presence of a person with a serious disorder, and in each case, we left after attempting to reassure the person but without taking any other action. In one case, where a woman had hailed us on the street and asked us in to hear her story of being followed and persecuted by homosexuals who had put listening devices in her house and some type of mysterious ray projector which she could feel at times, we talked with her for about a half hour, suggested that she keep her doors and windows locked and call us if anything came up. When we left, I suggested that we had encountered a case of paranoia, my partner, however, said to put on the report that she apparently suffered from acute loneliness.[64]

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[63] Westville Police Department Training Bulletin, "Civil Disputes."

In the second case, the dispatcher who gave us the call asked us to check to see if the complainant was mentally disturbed and, if so, to file a report card so that they would know about her in the future. She was disturbed, seriously. After talking with her briefly, we left. If these cases seem to involve a lack of responsibility, they must be seen in terms of the people that the police deal with. Egon Bittner put it very well:

> "...policemen confront perversion, disorientation, misery, irresoluteness, and incompetence much more often than any other social agent. They can readily point to a large number of persons who, to all appearances, are ready for the "booby hatch," but who nevertheless seem to lead such lives as they can without outside aid or intervention. Against this background, the requirement that one should have a good brain and even temper belongs to the same category of wishes as that one should have a large and steady income."[65]

There are many people walking the streets of Westville who could not get out of a mental hospital, no matter how crowded it was. Some officers I have worked with took pride in their collection of "8680's", that is, insane persons.[66] They would make a point of stopping to talk with them so that I could see just how crazy they were. Some of these people were known to almost every officer I have worked with. Others had simply come to the attention of a single officer. There are routine situations which involve recurring contacts with mentally disturbed people that are objects of mirth for the officers. The eighty-year-old woman who calls the police to help her put her three sixty-odd-year-old "boys" to bed is an example. She is such a long-standing problem that most of the dispatchers and most of the officers know about her, but occasionally a new dispatcher sends a new officer to investigate the complaint, and his discomfort is enjoyed by the other officers.

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[64] Field Notes. He was probably more accurate in terms of cause than I was.

[65] Bittner, _op_. _cit_., p. 280.

"Mental illness" is a conceptual scheme, not a description of behavior. The police officer routinely deals with concrete behavior, and the behavior of someone who is "mentally ill" may not be vastly different from the behavior of an alcoholic with chronic brain syndrome, or acute brain syndrome, or the behavior of a person who is having a bad reaction to drugs, legal or illegal, or the behavior of a person who has been stunned in an accident, or who has been in so many fights that he is "punchy." Additionally, the police deal with many persons who are mentally retarded, senile, or just "strange."

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[66] 8680 is the Health & Safety code number for insanity which authorizes emergency apprehensions by the police.

If the police officer were to use the criteria of the psychiatrist to judge mental illness, and were he to systematically sweep up all the people who met the criteria, the entire mental hospital system of the state would probably fall apart under the influx of patients. In many cases, the disturbed people with whom the police have routine contact have worked out a daily round of activities (interactive institutions) that they can manage, because all the people they contact day after day take account of their disturbance and nonetheless carry on in some sort of relationship. A factor often overlooked by academics and professionals who live in an academic or professional milieu is that the normal distribution curve of intelligence has two tails, and there are many people "making it" who theoretically should not be able to. They do not "make it" very well, and tend to gravitate to the less expensive areas of the city, but here they find others who do not have high expectations of them and who shrug off their idiosyncracies. Bittner suggests that one tactic used by the police to avoid hospitalization of a mentally ill person who is not causing any particular disturbance is to return him to his friends who will take care of him, that is, to return him to the social control of his daily round of activities and contacts.

Actual hospitalization proceedings, according to Bittner, appear to be based on "overwhelmingly conclusive evidence of illness" except in the case of attempted suicide which almost always results in hospitalization.[67] The reason for this exception is not hard to find, the attempted suicide is the clearest possible example of the category "danger to himself," which is part of the legal basis for police emergency apprehension of the mentally ill.

Similar to mental illness are the results of various drugs. Unless the behavior produced by the drug amounts to a crime, or is accompanied by nudity in the streets or something similar, the police tend to overlook it. On a number of occasions, my partners and I have stopped people who appeared to me to be "high," generally on marijuana or methamphetamine, but, when no odor of alcohol could be detected, they were let go

When senile old people wander away from their homes, or when small children are reported missing, the police immediately begin a search to find them and return them. In terms of behavior, these are parallel to the usual disposition of mental cases, an attempt is made to seek or return a person who is not mentally capable of doing it himself (i. e., is without sufficient primary controls) to the control of his family or friends.

Many of the people arrested for illegal acts appear to be "mentally ill" but aside from the fact that the officer is there to enforce the law and not to make civil commitments, it is very difficult to tell just what is wrong with a person who staggers about, mumbles incoherently, shouts obscenities, suddenly clears and responds well to questions, and then starts staggering again.[68] The illegal act is clear, its processing is routine, and it is the officer's job to arrest people for committing illegal acts. His lack of concern with the origins of his prisoner's bizarre behavior thus is a protection against getting involved in the unusual and possible treacherous difficulties of civil commitment.

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[67] Bittner, _op. cit._, p. 285.

I have not had any contact with people who were actually being processed as "mentally ill" in Westville, but if Bittner's description is applicable to other areas besides the one he studied, it would seem that the social service rendered by the police is notable for the mentally ill, in part because they are people with whom the police must deal but who are not engaged in the sort of illegal activities which would lead to the use of arrest as a solution. Thus the alcoholic found in the streets gets sent to jail because public drunkenness is a crime (unless he is in a coma, then he goes to the hospital in an ambulance) but since there is no such handy disposition for the mentally ill, the police help them back into a situation in which they are taken care of by their small social system and only resort to hospitalization in extreme cases. Of course, there are far more drunks and they are often more dangerous than mentally ~~ill~~ persons, which may be related to the dispositions afforded each.

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[68] Officer Minderman comments: "The machinery for finding out what is wrong is not geared to the necessities of the working patrolman."

Family fights.--The "family dispute" is one of the most frequent assignments a radio car will have on a weekend in the poorer areas of the city. Poor people are more violent in their interpersonal relations than are middle class people, and their family disputes tend to reflect this greater level of violence. While they may be more disposed to calling the police than middle class families, they also may have more warrant because violence is involved more often. Very few people would call the police to complain that their spouse was being mentally cruel, or was withholding sexual relationships, which tends to be the way middle class people fight, but many would call when they had been hit, stabbed, or shot. The family fight is notorious for its danger for the officers responding to the call. In Westville, which mostly uses one man cars, a second car is always dispatched on family disturbance calls. The seriousness with which such assignments are considered may be seen from the following guidelines published for the use of Westville officers going to family disputes:

> "1. Be prompt. Inform the Communications Section if you cannot respond immediately to the assignment.
> 2. Wait for a cover unit whenever practical, except in cases where immediate action is called for.
> 3. If possible, do not walk directly up to the door. Take advantage of shadows or the area to the side of the walkway. Look around, listen and observe closely as you approach the house or apartment.
> 4. Do not stand directly in front of the door but, rather, stand

> away from it on the doorknob side. This will force the occupant to look around the doorjamb to see you and also will protect you from any shots fired through the door as you wait for it to be opened.
> 5. Be alert when the door opens. You are unaware of the temperament or mental state of the persons inside and cannot know exactly what to expect. The situation inside may be merely a simple argument or it may be homicide.
> 6. If a weapon is involved, locate and take possession of it immediately. Unless the weapon has actually been used in an offense, or specifically involved in a threat against the complainant, it cannot be seized or confiscated as property held for safekeeping."[69]

Although there are a number of possibilities involved in any family disturbance, alone or in combination, such as one or both parties being intoxicated, one party demanding the eviction of the other, arguments over what is community property when one or the other is leaving, arguments over the custody of the children, the possibility that restraining orders may have been violated, the possibility that one party may be in the act of committing adultery, any one of which has both legal and legal-practical considerations for the officer, the most common element is that one party will have committed an assault on the other which may be a misdemeanor assault or a felony assault with a deadly weapon.

Naturally the officer is concerned that he not become the next victim of an assault so he attempts to take and keep control over the situation. The techniques recommended by the Department include:

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[69] Westville Police Department Training Bulletin, "Civil Disputes."

taking charge of the situation immediately, not allowing the dispute to continue, allowing only one person to speak at a time, separating the disputants, controlling the movement of all persons so that they cannot arm themselves, being impartial and after separating the disputants sympathizing with each but not in such a manner as to imply that one is right and the other wrong, appealing to their common sense and giving them a solution, not being unnecessarily authoritarian, being empathetic, taking the time to do a good job, and attempting to find an equitable solution.[70] These guidelines are fairly closely followed whenever possible, although in an actual situation when there is blood on the floor, Christmas tree ornaments being hurled across the room, a hysterical woman with a knife, a man with a rifle, and several onlookers whose relation to the situation is unclear, in a house where the furniture is mostly askew or smashed, with the pervasive smell of sweat, blood and anger, and somewhere a radio playing, it is easier to talk about controlling the situation and coming to an equitable solution than it is to do it.[71]

One of the best techniques to use returns social control to the participants in the interactive institution, allows the officer to escape without being assaulted, and, hopefully, provides a solution which will provide some sort of equilibrium. If the police officer can formulate two or more alternatives for the people concerned, and can keep from backing either person into an unacceptable situation, the people can become involved in making the decision, and once having made it, they will be somewhat more committed to the implied course of action than they would if the officer had ordered them to do it. The difficulty arises in formulating the alternatives.[72] Very often conflicts have a rational basis and all alternatives available have been thought out by the disputants and have been found to be unacceptable, at which point they begin fighting. If the officer can come up with good alternatives which had not occurred to the participants, he may be successful in effecting a reconciliation.

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[70] Ibid.

[71] Field Notes.

He may also attempt to reenforce and made salient important features of the disputants' self-image which are incompatable with the present situation. Thus, if the officer thinks that fighting is not the customary method used for settling disputes in a given family, he may stop all the argument, get both disputants' attention, and say, "You're too intelligent to fight like that. Aren't you ashamed of yourselves? Intelligent people like you can talk out a problem without fighting like slum dwellers." It does not solve anything but it preserves the peace, possibly for a whole evening.

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[72] John H. McNamara, "Uncertainties in Police Work: Recruits' Backgrounds and Training," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, p. 173, suggests this tactic. I have seen it used with particular success in disputes between neighbors where each chose in turn not to sign a complaint against the other, and to personally avoid the other in the future, because the officer pointed out the likely ill effects of hailing a neighbor into court, and the likely ill effects of having future contact with the neighbor which might lead him to sign a complaint.

Often the police officer will give the disputants advice which seems to him to be practical, but, since he does not take into account the power of the interactive institutions of their habitualized life style which his advice would disrupt, the probability of its acceptance is quite low. For example, one family fight I went to was clearly just a round in a continuing battle. The wife had a large bandage on her head covering the damage done when her husband hit her three days before with a pitcher. She was bruised from the present encounter, and later showed us a knife scar across her thigh which was a couple of months old. Her husband had two scars which had required a number of stitches each from some previous encounter with his wife's knife. The current dispute had started over which television program to watch, and had ended with three police officers standing in the living room. The advice my partner gave was to "lay off the booze."[73]

Other advice which would solve the problem but which is unlikely to be followed is to "consult an attorney," to "get a divorce," to "go to the District Attorney and swear out an intemperance warrant," and to "go to the District Attorney and swear out a warrant on

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[73] Field Notes. Since neither would sign a complaint, and fighting was clearly institutionalized, it is difficult to see what kind of advice one should give.

Monday." Although these paths are undoubtedly followed sometimes, they do not really answer the problems that the disputants have. It is a bit like killing flies with a revolver to suggest that a wife have her husband jailed, committed, or divorced for hitting her, when he is her sole means of support.

Another fight illustrates a temporary solution. In the incident mentioned above where the woman had the knife, her husband the rifle, and the Christmas tree ornaments were flying, we suggested to the wife, who claimed that her husband had hit her "along side the head" with his rifle, that she get a restraining order if she didn't want him around. (We were the third set of police officers that day and I had participated in arresting her less than a month before for stabbing him in the back of the head.) We took the husband outside and at first suggested that he leave because he would have nothing but grief, then told him in no uncertain terms not to come back that night. We also told him how to go about taking out a "drinking petition" on her. Were they both to take our legal advice, she would be committed to a hospital, and he would be legally prohibited from coming into their home. Our temporary solution was that the husband left for the night, and tertiary controls were not activated.[74]

Had he not gone, we would probably have arrested him for disturbing the peace as we did in another instance where a man returned to harass his wife after we had told him to leave. Of course, this requires the wife to perform a citizen's arrest, but it is not terribly difficult in many cases to convince one party or another to arrest if the officer is only interested in a temporary solution and is not concerned with the complainant's later refusal to sign a complaint and prosecute the case.[75]

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[74] Field Notes.

If neither party commits an assault on the other in the officer's presence, and neither party will make a citizen's arrest, and it still appears that the situation will deteriorate when the officers leave, if the husband or wife has been drinking, as is almost universally the case, the officers can prod the drunk until he gets so mad that he follows the officers outside, and then arrest him for being drunk in public.[76]

On occasion, the entrance of an officer into a family dispute creates a more serious situation than existed before with violence "more likely to occur in all possible combinations and permutations of assaulter and assaultee,"[77] One of the most frequent events is for both the husband and wife to turn on the officer. This is the primary reason that Westville assigns two or three officers to such situations.

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[75] Field Notes.

[76] I have heard this suggested and threatened several times but have never seen it actually carried out.

[77] McNamara, op. cit., pp. 168-169.

It is sometimes the case that an officer has to enter over the objections of one spouse (i. e., enter an interactive institution over the objection of a participant), but, if the call for assistance came from the other, it is considered legitimate.[78]

Family fights offer the police officer almost nothing, except the possibility of being assaulted, and by their nature tend to show up time and again. This leaves him with a sense of frustration. If a police officer decides to "play" family fights as a straight police officer, he can avoid some of this frustration because he can put somebody in jail almost every time. The Department does not prefer this, suggesting arrest as the last alternative, and most police officers do not arrest disputants very often. But they don't do very much else for them either.

In all three areas mentioned, alcoholism, mental illness, and family fights, the police officer acts as a social first-aid agent, or as Bittner put it, a psychiatric first-aid,[79] but only in mental illness is there any routine professional follow-up. In the cases of alcoholics and family disputes, the police are trying to put severed limbs back on with band-aids. If they did nothing, the consequences might be murder, assault with a deadly weapon, kidnapping, freezing to death, or merely more public drunks.

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[78] W. P. D. Training Bulletin, "Civil Disputes."

[79] Bittner, op. cit., p. 289.

One writer has concluded:

> "Whenever penal sanctions are employed to deal with problems of social service, two things are almost certain to happen and a third result may often occur. First, the social services will not be effectively rendered. Second, the diversion of personnel, resources and energy required in the effort will adversely affect the ability of a system of criminal justice to fulfill those functions that it can uniquely perform. Finally, the effort may sometimes result in the corruption and demoralization of the agencies of criminal justice."[80]

Social control is not effectively rendered. The diversion of personnel may interfere with day-to-day goals, although surely goals were set with these long-standing services in mind. No corruption was produced in Westville by these activities, although there is a certain amount of demoralization associated with frustrating situations such as family fights when closure cannot be achieved.

The police would probably be glad to be rid of these social services if there were some acceptable alternative. One Westville Lieutenant said: "So, alcoholics are sick. I don't care what I do with them. If they care enough to build a new wing on the hospital, I'll gladly take them there. Meanwhile I can't leave them lying in the street, and jail is the only place to take them."[81] No one has even suggested an alternative to police action in family disputes, and the dealings with the mentally ill are probably a legitimate police function as practiced.

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[80] Allen, "The Borderland of the Criminal Law: Problems of "Socializing" Criminal Justice," 32 Soc. Service Rev., 107, 109 (1958) quoted in Wayne R. LaFave, Arrest, Little, Brown & Co., sine loco, 1965, p. 12.

[81] Field Notes.

Interactive Institutional Control of Police Behavior: Secondary Control Over Tertiary Control Agents

It is possible to chart a police department's place in the organizational structure of a city government, and to take into account the fact that the city government exists within a community, by appropriate notations and lines on the chart. Were this to be done, the result would be similar to the result when such a chart is limned for a complex organization: the officially constituted formal and hierarchical relationships would be shown, and the interactive structure of the organization would be left to the imagination. The "informal organization" consisting of interpersonal relationships could, of course, be included, but the most important relationships, those which have grown up out of the routine transactions of a succession of actors, and have become unlegitimated ("theoretically" or "symbolically," unlegitimated, but possibly "practically" legitimated) institutions, would still be left out.

Norton E. Long has suggested a way of viewing the local community which seems congruent with my own observations. He wrote:

> "Observation of certain local communities makes it appear that inclusive, over-all organization for many general purposes

> is weak or non-existent. Much of what occurs seems to just happen with accidental trends becoming cumulative over time and producing results intended by nobody. A great deal of the communities' activities consist of undirected co-operation of particular social structures, each seeking particular goals and, in doing so, meshing with others."[82]

Long suggests that the occupationally structured group activities that coexist in the local community can be looked on as games. The slang question, "What's your game?," possibly well represents the sense in which he is using the word.

> "Looked at this way, in the territorial system there is a political game, a banking game, a contracting game, a newspaper game, a civic organization game, an ecclesiastical game, and many others. Within each game there is a well-established set of goals whose achievement indicates success or failure for the participants, a set of socialized roles making participant behavior highly predictable, a set of strategies and tactics handed down through experience and occasionally subject to improvement and change, an elite public whose approbation is appreciated, and, finally, a general public which has some appreciation for the standing of the players. Within the game the players can be rational in the varying degrees that the structure permits. At the very least they know how to behave, and they know the score."[83]

He goes on to suggest a way in which these occupational institutions are related to one another through transactions involving individual players:

> "Sharing a common territorial field and collaborating for different and particular ends in the achievement of over-all social functions, the players in one game make use of the

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[82] Norton E. Long, "The Local Community as an Ecology of Games," American Journal of Sociology, 64, 3, November, 1958, p. 252.

[83] Ibid., p. 253.

> players in another and are, in turn, made use of by them. Thus the banker makes use of the newspaperman, the politician, the contractor, the ecclesiastic, the labor leader, the civic leader--all to further his success in the banking game--but, reciprocally, he ~~is~~ used to further the others' success in the newspaper, political, contracting, ecclesiastical, labor, and civic games. Each is a piece in the chess game of the other, sometimes a willing piece, but, to the extent that the games are different, with a different end in view."[84]

The outcome of these transactions, according to Long, is government for the community. These transactions between institutions are made by players in one institution making a bargain with players in other institutions, in which some *quid pro quo* relationship obtains. Although Long only suggests that the leaders of these occupational institutions make transactions, it appears to me that other combinations are possible as well, and more relevant when the unit under study is a single institution rather than the community as an ecology of institutions. The leaders can make transactions among themselves, they can make transactions which will be carried out by their subordinates, and the subordinates can make transactions in their own interest or in the interest of their occupational institution. It is possible to ask *cui bono*, who benefits, of each of these transactions. In many cases, both institutions benefit, in some, only one will, in others, one institution and one individual will benefit.

Episodic transactions are of less interest than recurring ones for the shaping of police behavior. Episodic transactions are probably carried out between leaders more than routine transactions. Subordinates carry out routine transactions which have been carried out before, often before they even joined the organization. For subordinates, these routine transactions are an aspect of social reality which they learn in the process of being socialized into the job. The origins of some institutionalized transactions may be lost to them.

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[84] *Ibid*.

> "Their knowledge of the institutional history is by way of 'hearsay.' The original meaning of the institutions is inaccessible to them in terms of memory."[85]

Each of these institutions arises as a result of a specific, recurring transaction. There is no reason to assume that these transactions are functionally integrated with one another, except that linquistic sense may be made of the entire pattern because the participants "know" that their social world is a consistent whole, and feel constrained to explain its functioning and malfunctioning in terms of this "knowledge."[86]

In the police department, the patrolman makes many of the interactive transactions, some for his own use, for example, with restaurants, others are made for him by high-level decisions or transactions between police officials and various community interests, for example, enforcing parking meter ordinances. Still other transactions are made by the patrolman with both his own and the department's welfare in mind, for example, not arresting a newspaper editor.

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[85] Peter L. Berger and Thomas Luckmann, The Social Construction of Reality, Doubleday, Garden City, New York, 1966, p. 58.

[86] Ibid., p. 61

No matter who begins the transaction the patrolman is involved in, he gets the interactive feedback. A transaction which results in his enforcing an unpopular law will make him the target of hostility regardless of his role in establishing the policy. The policeman is the skin of the police department. He feels the contacts with other community institutions because he is the man on the spot. His consideration for his own comfort may on occasion result in a pattern of enforcement which tends to undercut a transaction made by his superiors, and a part of the supervision and establishment of production "norms" can be seen in this light as an attempt to carry out the bargain originally made by controlling the officer's behavior. The patrolman generally prefers to work within the consensus of popular morality, that is, laws are preferred which are supported by customs, because his efforts are strengthened by existing interactive social controls.[87] Formal legal controls sometimes result in a feeling of unjustice and the police officer becomes keenly aware of this discrepancy when he deals with the people involved.

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[87] Banton, op. cit., p. 7.

The Chief of Police takes the lead in making many transactions for the police department. Westley lists a few of the activities of the Chief of Police in his study which may be reinterpreted as transactions:

> ". . . the placating of indignant citizens, the fixing of traffic tickets, the doing of favors for people with influence, such as assigning patrolmen to meetings, prompting the detective bureau to work especially hard on a particular case, etc."[88]

He also demonstrates the way in which a broader transaction is carried out in his political department:

> ". . . should his political superiors insist that prostitution and gambling in town be left alone, the chief can keep the patrolmen from interfering with these enterprises. He would merely let it be known that this was his desire and the men would obey."[89]

With a few exceptions, the only trading materials which the police have to use in striking bargains are, first, the presence of officers at places where they might be needed and would not otherwise be assigned, and, second, the non-enforcement of selected laws.

There are two categories of laws, in legal terminology, laws covering acts _mala in se_, bad in themselves, such as murder, robbery and rape, and laws covering acts _mala prohibita_, bad only because they are prohibited, such as consenting homosexuality, gambling, prostitution, and many traffic codes. Though no formal typology of law corresponds completely to current customary assessments, and whether some acts, such as narcotics use, are mala in se or mala prohibita is unclear, the distinction is useful in speaking of law non-enforcement as trading material.

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[88] Westley, _op. cit._, pp. 47-48.

[89] _Ibid._, p. 49.

In general, the community is concerned that laws against behavior mala in se be enforced. There is generally a victim who has been wronged and who has some interest in the outcome of the case. While mala in se charges may be used in a limited sense in assisting the District Attorney in getting a bargain plea of guilty to a lesser charge, there would be some public outcry if mala in se offenders were known to be let go as a regular thing. When a burglar cooperated with the Westville Police Department by confessing to a number of burglaries:

> "We had him cop out to only one charge because we don't really want it made public that he committed the other burglaries. If it were made public, then the question might be raised as to why we didn't charge him with the other burglaries, and the public doesn't understand these things."[90]

This reluctance to be seen as underenforcing mala in se laws limits their use as trading material. Custom evaluates mala in se crimes seriously. In addition, the perpetrators of such crimes tend to be individual operators, not connected with influential people or with any other social structure which could be of benefit to the police, except possibly as informers.

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[90] Skolnick, op. cit., pp. 174-175, quoting a Westville detective sergeant. Emphasis added.

The community is not so concerned about laws against behavior mala prohibita because in many cases the so-called victims were willing partners to the crime, and because the people who engage in such behavior come from all social strata, and occasionally have some influence. In the absence of an accident, many vehicle code violations are considered more a nuisance than a crime and the people guilty of them are often interested in getting free from the charges. Gambling, prostitution, and liquor law violations are similarly situated with regard to custom. In these cases, the temptation is strong to use selective enforcement, or partial enforcement, as trading material with other community institutions. Thus immunity from arrest may be traded for information.

The Police Institution and Various Community Institutions

The Newspaper.--The community newspaper constitutes one of the most important institutions in the community because it is one of the few institutions with community wide interests:

> "A major protagonist of things in general in the territorial system is the newspaper. Along with the welfare worker, museum director, civic technician, etc., the newspaper has an interest in terms of its broad reading public in agitating general issues and projects."[91]

The press manages to keep the various city offices in relation to each other and to the community. It serves as a public watch over the activities of the police department and is extremely important to the continued quiet functioning of the department. The newspaper provides prestige and recognition to the individual officer, and sometimes to the departments as well.[92] Should the newspaper begin to editorially call for the head of the Police Chief for some delict, it has a high probability of causing trouble. Depending on the nature of the police department, there are a number of transactions which have been mentioned. In Denver:

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[91] Long, op. cit., p. 259.

> "'When I had been on the force a little while a kid patrolman came to me very upset. He had issued a ticket for speeding to the editor of one of the local papers. This editor swings a lot of weight and the police brass don't want to be on the wrong side of him. He had been roaring along the highway to the airport and the kid patrolman had flagged him down. The guy was purple in the face and said, "I'm the editor of the Daily Blat and I've got to catch a plane." The kid said, "I don't care if you're the Queen of Sheba, you were doing eighty miles an hour and you ain't going to drive like that on this road," and he wrote out a ticket. "you'll regret it," the editor said. The next day the kid was called in and told that he was being reassigned. He was taken out of the car and put on a night beat in one of the roughest parts of town. The kid loved to drive the car and loved being a highway cop, but there was nothing anybody could do about it." (The newspaper of which this man is editor, incidentally, conducted a lofty campaign to "weed out police corruption" when Blake and Hastings were apprehended stealing.)"[93]

Some officers would say that "the kid" got what he deserved for making a stupid mistake. One writer on police matters suggests that the officer should cultivate the friendship of the regularly assigned reporter because he can be "your best friend or your worst enemy--depending entirely on how you handle him."[94] Orlando W. Wilson considered relations with the press sufficiently important to write:

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[92] Westley, op. cit., p. 158; Skolnick, op. cit., p. 161.

[93] Smith, op. cit., p. 218.

> "While the entire public must be kept informed, some individuals in the community exert such a powerful and widespread influence as to deserve special attention. The police chief is frequently justified in taking these into his confidence and discussing his proposed plans with them in order to ensure their understanding and approval and to gain their assistance in informing and winning the support of the press. The chief should discuss his plans frankly with them in order to avoid criticisms that sometimes spring from ignorance of the purpose and nature of the operation and to obtain the active help of the newspapers in disseminating information to the public."[95]

In Mountain City, regular officers are detailed to the counting rooms of both daily newspapers when money handling is going on.[96] I found that all of the liquor, wine, and beer confiscated by the Westville Police is kept in the property room for six months until it is declared surplus, and then it is given to the newsmen in the press room. My partner, when he heard this, said: "All of this and they still shaft us."[97] His comment reveals that he feels that the implicit bargain of the exchange had not been kept. Though the Westville Daily News is quite pro-police, there are occasional acid comments by some of the columnists which outrage the officers.

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[94] Harold Mulbar, Interrogation, Charles C Thomas, Springfield, Ill., 1951, p. 134.

[95] O. W. Wilson, Police Administration, McGraw-Hill Book Company, New York, 1963, p. 18.

[96] Personal communication from a Mountain City police officer.

[97] Field Notes.

Sports and Other Public Events.--For many sports events, police officers, especially in uniform, are admitted free. Should trouble arise, they are expected to stop it, but mostly their uniformed presence constitutes the exchange for free admission. This exchange process was brought into focus when a new sports stadium was built and hired its own security guards. The management decided that the police were not to be let in free. Even to get a marked patrol car into the parking area required having a pass. This policy was rigidly enforced, with the exception of the unpaid reserve officers who were working traffic for the event being admitted if their names were on an advance list. The regular police officers were not admitted, however, and they resented it greatly. One is reported to have said:

> "Wait until they have a fight out there at a rock-and-roll concert and their security can't handle it. They'll call us. We'll come. But don't bet on when we'll get there."[98]

The problem was considered serious enough to be mentioned at an "all-hands" meeting, where the Chief was quoted as saying that we were co-operating with the public of the city, not with the management of the stadium, and that next year it will be different.[99]

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[98] Field Notes, second-hand report.

[99] Field Notes.

Restaurants.--Police officers in most cities appear to get their meals free or at a considerable discount in a fairly explicit exchange with the restaurants.[100] On quiet beats in Westville, there are few restaurants that feed, while on the more lively beats there are a great number that either give the beat man free food or a discount, or, in some instances, will feed any police officer who comes in. The presence of police officers in these drive-in restaurants or hamburger stands apparently keeps enough trouble away so that the restaurant owners are happy to feed them. This is a good example of the institutionalized transaction preceeding the appearance of any given officer on the scene. A new officer will soon learn, as I did, that the restaurant personnel get very upset if he tries to pay them. The officer is then faced with the problem of either searching out a restaurant which will take his money or giving special "protection" to one that is "paying" him. A future conflict might also arise if the restaurant owner were to ask for a special favor from the officer. Most officers decide to "eat free," if it is possible. An officer states:

> "In downtown Mountain City, a foot or radio car officer virtually takes his choice of which fine restaurant he wants to eat in on a particular night. Some restaurant owners become insulted if they don't see you for a couple of weeks and exhort you to come more often. Cocktails are always available. In outlying areas, the situation is often the reverse with the officers paying for very poor, or, at best, average food. If you work downtown, arrangements can be made with

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[100] Westley, op. cit., p. 130; Banton, op. cit., p. 56.

> nightclub owners for "free nights" and other benefits. Such contacts are usually made with "bouncer" door men who desperately need the cooperation of the police because of the fights they get involved in. Owners realize that a formal report against their place with a copy to the ABC can really cause trouble so they usually are extremely solicitous with the police."[101]

In some cases, the "gifts" to officers are more substantial, raising more serious questions about their acceptance. In Minneapolis, for example, on skid row:

> "I entered a beer joint and asked the bartender for change for a fifty-cent piece so I could get a package of cigarettes. He gave me seventy-five cents change. He usually does this for officers on the beat so that they can pick up a free package of cigarettes. After talking to the owner a while, he handed me a note which read: "Give bearer two bottles of whiskey and charge to C. N."[102]

Businessmen.-- The transactions which go on between the police and the businessmen of a city are many and transacted at different levels. One transaction comes about when the businessmen lobby for parking meters in front of their stores to improve their turnover; the city profits from the meter and citation revenue, and the police department gets citizens angry because of the citations. An officer states:

> "Many officers shop in uniform, because it makes it easier to "get a break." You are identified as an officer when you enter and usually you are "taken care of." Sometimes a place

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[101] Personal communication from a Mountain City officer.

[102] A police officer quoted by Samuel E. Wallace, Skid Row as a Way of Life, Bedminster, Totowa, N.J., 1965, p. 96.

> is "burned" by too many men purchasing too many goods, and if the officer who committed the transgression can be identified, he is criticized. I recall an incident where a donut shop provided a couple of dozen donuts for each watch at the beginning of the watch. The uniformed radio car man routinely picked them up and brought them to the station for the "crew." One of the radio car men got greedy and picked up a dozen to take home at the end of his watch. There went the station donuts, and that man was criticized. In Mountain City, certain officers have arrangements to purchase just about anything "wholesale" and would never shop retail. The savings can be spectacular."[103]

For the many businessmen who operate on the edge of the law, the police serve a number of useful functions. Westley gives an example of a police officer who finally discovered that he was being used by a crooked bartender to get rid of customers the bartender had gotten drunk, beaten up, and robbed.[104] He also gives an example of a tavern owner who was making demands on the police and then being uncooperative. For this breach of the exchange relationship, the officers had a ready solution:

> "Suppose for example they should get a call that there was a fight on. Well, maybe they would only be two blocks away. But they wouldn't hit the place right away. They would drive the car around the block for two or three minutes and then they would park the car in front of the club and then they would take it real easy going in. Well, you know how a fight is. You got to stop them right away or they do a lot of damage. Only takes thirty seconds--couple of minutes--to wreck a place. That guy would have plenty of damage in his joint."[105]

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[103] Personal communication from a Mountain City officer.

[104] Westley, *op. cit.*, p. 128.

[105] *Ibid.*, p. 229.

In this case and the stadium case, the decision that the officer makes is a very low visibility one; who is to say that he was not delayed by traffic. Although it is not always effective, it provides a relatively powerful sanction for breaches of institutionalized transactions.

Businessmen are important to the community and the police will go out of their way on occasion to help them out. If a businessman complains that cars are parking on his lot at night, an officer will drop around and ticket them.[106] If a businessman takes home large amounts of money, he may be given a ride in a patrol car, even against department policy.[107]

Transportation Companies.--The police act to a certain extent as the social control arm of the various transportation companies because they look for various traffic or criminal violations being committed by the drivers and report them, if serious, to the company. There are certain violations, such as high flagging (running with the meter off so that the driver makes all the money and the company none), which result in instant dismissal for a taxi driver.

Police officers "ride free" on busses, either in or out of uniform. Though the formal rules limit these free rides to the city limits, the rule is not enforced, and police officers can generally ride anywhere by showing their badges. Individual bus drivers rarely challenge an officer even if he is riding against the rules because they fear that he may remember them when he is in his patrol car and issue the ticket which will cost them their job,[108] or they may be glad for the protection.[109]

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[106] Field Notes, not Westville.

[107] Field Notes.

Influential Groups and People.--A fairly explicit exchange goes on with influential people and groups in the community who for some reason need police aid at a function. Reserve officers are particularly useful for such operations because there is no genuine police work to be done, just traffic direction and guard duty, and, because in Westville reserves serve without pay, such favors cost the police department nothing. The beneficiaries of such favors are under some moral indebtedness to the police department which may result in some form of support for police goals in the city's political arena. I have been assigned to a Congregational Church supper, a Catholic high school dance, and a Christian Science lecture to help with the traffic and to guard the area. In all three of these cases, my presence was, so far as crime was concerned, pointless. Hundreds of other functions were going on all over the city, unattended by police officers, which created just as much traffic problem or needed guarding more.

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[108] Comment by a bus driver.

[109] Comment by Officer Minderman.

These other functions did not have an influential person to request police assistance. It is through such informal transactions that community power is manifested. A consequence is that the rich and powerful and their institutions get better police service than do the poor and powerless. A reciprocal consequence is that the rich and powerful support the police.

The Community in General.-- Much of the work of the police consists of helping members of the public in non-criminal actions. Cats up trees, abandoned bicycles, helping people in wheel chairs up stairs, and elderly people in and out of bed are a large portion of the work done by the police. In Indianapolis, Indiana, such non-criminal activity (including accident investigation) accounts for over 86% of the police department's radio car time.[110] My own observations suggest that a similar portion, from 80 to 90 per cent, of a patrol officer's time is spent on non-criminal activity. This activity is generally helpful and results in the integration of the police with many, many community institutions as minor facilitating actors.

Transactions with other community institutions constitute a large part of the social network which ties the territorial community together. It is through these sometimes episodic, often spontaneous, frequently unconscious bargains and standing relationships that the police department is integrated with the other people and institutions which, taken together, constitute the community of Westville as seen from the police game perspective. These relations constitute one of the most important social controls over police behavior.

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[110] Personal communication from Captain John J. Kestler, Indianapolis Police Department.

There are also transactions within the legal system, which usually constitute facilitating arrangements through which the abstract system of law is converted into a conventional and "customary" set of procedures for taking care of routine business.

The Police and Other Legal System and Government Institutions

Criminals. -- The police are evaluated, in part, on the basis of a statistic called the "clearance rate." This is the portion of crimes "known to the police" which have been cleared by arrest. If a department's clearance rate falls, it is a source of embarrassment; if it rises, it is a source of pride. The police naturally want their clearance rate to rise, and, aside from catching more suspects, there are several actions which they can take which will result in a higher "clearance rate." One of these is simply not to report crimes reported to them by the public, as was the case in Chicago before O. W. Wilson took over. In 1959, the Chicago police reported that 69,122 major crimes had taken place; in 1960, after the introduction of more accurate statistics, 129,742 crimes were reported, an apparent increase of 83 per cent.[111] In professional departments, where such underreporting is unlikely because of statistical controls, offenses can still be removed from the total number of crimes if they are reported as "suspicious circumstances" or are judged "unfounded." These operations consist of the police making a judgement that the victim may have been implicated in the crime, or may be making a false report, or may have been a willing participant when the reported crime took place.[112] By removing some offenses from the category of "crimes," the clearance rate rises.

Since a crime is "cleared" when a suspect is arrested, it is possible for one suspect to "clear" a number of crimes for the police by confessing to them. Since no rational person is going to implicate himself in crimes when all he can look forward to is increasing the time he spends in prison, the police officer must offer a bargain to the criminal to get him to confess to a number of crimes. Since the only social control relevant at the moment is formal control, he does this by offering to drop the charges on all the other offenses and to only charge one. The criminal then "clears" a number of other offenses for the police, in the process "cleaning" himself (i.e., making sure that he will not later be charged with the offense), confesses to one offense, goes to prison for it, and has his chance for parole improved because he was only convicted of one offense. As a consequence, the small number of professional burglars who produce most of the burglaries tend to get light sentences in order to make the police "look good" on the FBI reports. Skolnick reports one Westville case in which a burglar who admitted to participating in more than four hundred burglaries, who cleared the burglaries and acted as an informant in another case, was simply allowed to finish a thirty-day term he was already serving.[113] A regularized process of exchange thus exists between participants in certain criminal activities and the police, whereby they both benefit, to the detriment of legal social control. In some cases, the police apparently simply inflate their clearance rates by charging additional offenses to an arrested person on the basis of the modus operandi, thereby removing the element of exchange from the process.[114] William F. Whyte commented on the growth of corrupt institutions:

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[111] Donald R. Taft and Ralph W. England, Criminology, 4th ed., Macmillan, New York, 1964, p. 48.

[112] Skolnick, op. cit., Chapter 8. And Field Notes in several cities.

> "These generalizations do not mean that the police department and the racket organization enter into a great conspiracy and agree upon a common policy. The relations between them are established not in the mass but between individuals of both groups, and the actions on both sides become a matter of habit

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[113] Ibid., p. 178

[114] Albert J. Reiss, Jr., and David J. Bordua, "Environment and Organization: A Perspective on the Police," in The Police, edited by David J. Bordua, Wiley, New York, 1967, p. 35.

> and custom just as they do between other people and other groups. While a study reveals certain consistent patterns in the actions of men, it is not correct to assume that anyone planned them to be such as they are."[115]

Informers. -- Some people give tips to the police because they think law and order is a good thing (that is, they think tertiary controls are congruent with their primary and secondary controls). If the police tried to solve crimes based only on freely given tips and information, they would fail almost completely. Information about criminal activities exists in its highest concentration among people engaged in criminal activities, and these people are unlikely to think that law and order, at least as enforced against themselves, is a good thing. Thus they must be motivated to turn over the information they have to the police, and the police must find the motivation for them. They do this either by arresting them and then suggesting that a reduction may be had by informing, or by overlooking the criminal activities of regular informers. Immunity varies with the importance of the information given. Victimless crimes are the only ones regularly granted immunity for informing, and, if a specific complaint is made against the perpetrator, his immunity will probably be abridged.[116] To produce motivation for an arrested informer, a high formal penalty for his, preferably victimless, offense will give the police trading material:

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[115] Whyte, op. cit., p. 139.

[116] LaFave, op. cit., p. 135.

> "Since a functional prerequisite of an informant system is to reward the informer, any increase in penalty necessarily gives the narcotics policeman more to work with as anticipated rewards. Penalties thus are the capital assets of the informer system. High penalties for such relatively minor violations as possession of narcotics equipment, or a marihuana cigarette, increase the capital assets of the policeman and create conditions under which the informant system will work most efficiently. Policemen rarely make this point, preferring instead to support high penalties on the general grounds of deterrence; but a perfectly evident consequence of a punitive narcotics policy is its contribution to the smooth functioning of the narcotics information system by providing that system with requisite inputs."[117]

Certain people who might otherwise be given difficulties by the police are left alone if they provide information. In downtown Westville, a bouncer for a club carries about with him a blackjack, an illegal weapon constituting a felony under state law, and is considered to be mentally disturbed, or at least suspect, by every police officer I have talked with, but is allowed to roam free. He gives information to the police.[118]

With people who are in a position to observe criminal activity, but are not personally involved in it, some other customary mode of exchange must be developed. The officer attempts to develop interactive institutions with such people which will lead them to give him the information he needs. A writer on police work suggests:

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[117] Skolnick, op. cit., p. 138.

[118] Field Notes.

> "...hotel clerks and cab drivers are often good at sizing people up and are alert. ... The honest men will be the ones who will give you the leads as to what woman is working from the hotel, which man has juvenile girls visit him, where a gambling game has opened, or when a house of prostitution starts. Appreciate the tips you receive and help these men earn their livings. If there is a squabble in the hotel of the kind where publicity will hurt the hotel's business, keep publicity to a minimum. If the newshounds will not play ball, you may have to talk it over with a superior and not make a written report of the occurrence. And whenever you send a drunk home in a cab, try to call the cabby who helps you. Very frequently people will stop you on the street and ask for directions to a cab stand. Keep your friends in mind."[119]

Of course, if these informal modes of exchange cannot be developed in an individual case, or if the person who can give information to the officer is not personally known to him, it is generally possible to find some violation of law which can be used as a lever. On one occasion, after a prisoner escaped from four of us during a melee, a boy who had witnessed the incident from a distance while sitting in his car was questioned about the identity of the escaped prisoner. He was uncooperative so one officer put him in the back of the patrol car and we drove toward the waiting patrol wagon. The officer then found out that he was on probation and pointed out that an arrest for violation of the "curfew"[120] might result in a revocation of probation. The boy then came forth with a name for the escaped prisoner and was released.

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[119] Clowers, op. cit., pp. 221-222, emphasis added.

[120] Actually a "Juvenile anti-loitering ordinance," but universally referred to as a "curfew" by the police and the juveniles.

Actually, since we did not find the prisoner, he may have traded worthless information for his release, which is one way of countering police strategy.

The various transactions between police officer and individuals able to provide information, either regularly or in certain situations, are extremely important to the police officer who is "only as good as his information," and they constitute an important set of institutionalized relationships between various semi-legal, illegal, and streetlife institutions, and the police.

Intelligence information which has been gathered from a number of sources which would not be admissible in court may be useful in dealing with any marginal activity either as trading material or as a threat. The more a police officer knows, regardless of source, the better able he is to cope with the problems of his environment and to develop admissible evidence.[121]

Jail. -- The police keep the jail in production. As one officer said, "We wouldn't be in business if we didn't have anybody to lock up." The jail employs jailers and runs on a certain average number of inmates. Were the number of inmates to fall, and stay low, there might be some pressure to leave jailer jobs unfilled as they fell vacant. One important consideration in operating jails is to have the capacity in both size and jailers to handle temporary overloads caused by riots or other disturbances. Were the jails to be run mostly empty with a small staff, the sudden influx of prisoners in a riot might exhaust the jail's reserve capacity. The routine arrest of drunks provides inmates for the jail. The drunks are processed in and out, they keep the jailers employed, they keep the jail full. This encourages the police to arrest drunks. If a riot should break out, the police will stop arresting drunks for the duration and fill the jail with rioters. If the police cease arresting alcoholics, due to recent Supreme Court decisions, some other category of offender will have to be found to fill the jails in normal times. Arrests for minor disturbances of the peace may go up. Some sort of a norm appears to be operating which keeps the police from filling the jail too full, however. One rainy, cold winter evening, my partner and I were arresting drunks, mostly at their own request, to get them out of the rain. As we brought in our third through seventh prisoner of the evening, a jailer asked, "Are you getting points for the number you bring in?" We were apparently "rate busting" by bringing in so many, and causing so much work for the jailers, with criminally unimportant prisoners.[122] Another jailer suggested we would eliminate the problem for good if we would just leave them alone and let them freeze to death.[123]

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[121] Officer Minderman comments: "Here is the key."

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[122] Field Notes.

[123] I do not think he was serious, merely objecting to the work.

Traffic Violations. -- The routine enforcement of parking regulations by uniformed police officers, and the assignment of a number of officers exclusively to traffic duty, or to a traffic division, may appear to be a waste of sworn personnel, although they do respond quickly to other crimes. The traffic division, however, is a riot squad doing something else. Should a number of extra officers be needed, the parking regulations can go unenforced for a couple of days or weeks, and the traffic laws will not need much enforcing as there will be less traffic than normal in a city where street riots are taking place.

Both parking tickets and drunks keep officers busy doing useful but non-essential work which justifies their existence in the economic transactions of the politics of the city.

The City. -- The police are employed by the city, but they also produce revenue for the city which could be seen as an exchange:

> "... whether it is realized or not, many cities have geared their budgets to the income derived from crime and disorder so that if the chief was capable enough to eliminate them, he would be unsuccessful. He could lose money for the city since the police department would not be even partially self-supporting. Fines and forfeitures add up to a substantial sum each year, and a considerable amount of labor is performed by trustees for some cities. Should the fines, forfeitures, and labor suddenly cease, taxes would either have to be raised or police personnel cut."[124]

Police Reserve officers are useful to the city in various ways.

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[124] Clowers, op. cit., p. 101.

When Westville's auditorium is rented for an attraction, the police protection is included. Since the reserve costs nothing, the city benefits directly from the increased revenue. Schools and recreation centers can be operated with fewer paid supervisors when reserve officers are assigned to take care of trouble outside.

There are many, many other transactions which take place between various departments of the city and the police. Some of these transactions benefit the public, some the police or the other department, and some the individuals involved. Each constitutes a control over that segment of the participants' behavior.

Other Police Agencies. -- The Westville Police maintain good working relations with many other police agencies. They allow the state narcotics agents to use the desks in the vice squad's office.[125] The Highway Patrol covers in on Hell's Angels parties within the city limits. The Park Rangers, who broadcast on the police radio frequency, often turn in drunks found in the parks to the police. In some cases, the police turn over cases to neighboring police departments in mid-investigation when they find that the actual crime took place outside the city limits. The Armed Services Police are routinely contacted when a serviceman is arrested as an informal way of avoiding "double jeopardy" for the serviceman.[126] Apparently such cordial relations are not found in all areas of the country.

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[125] Skolnick, op. cit., p. 143

[126] Were a serviceman to be jailed by a civil authority, he might also be tried by court martial for overstaying his leave. Field Notes.

District Attorney, Public Defender. -- The official output of the police department is sent to the courts to be prosecuted by the District Attorney and defended, often, by the Public Defender. The Westville Police Department apparently has a reputation for developing cases carefully with these offices:

> "And the police just don't make mistakes in this town. That's the one thing about (Westville), we've got the best police force in the state."[127]

According to David Sudnow, the Public Defender and the District Attorney assume that people who are charged by the police are guilty, and their main concern is to obtain a guilty plea to keep the case from going to trial.[128] In order to do this, the District Attorney has patterns of charging offenses which signal to the Public Defender what appropriate reductions are called for. In many cases, the District Attorney will charge a felony offense so that in bargaining for a guilty plea he can reduce it to an included misdemeanor. The police in providing the input for the legal system tend to charge what they feel to have been the actual offense, and dismissals or reductions from felonies to misdemeanors are disturbing to Westville officers in some instances.[129] In another city I have seen a police officer go to the Deputy District Attorney to request that a charge be reduced or dropped when he felt that it was unfair to the people involved, given the situation. This may also happen in Westville but I have had no opportunity to observe it.

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[127] David Sudnow, "Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office," Social Problems, 12, 3, Winter, 1965, p. 269. Pseudonym of city added.

[128] Officer Minderman comments: "This is not the case in San Francisco."

According to Skolnick, the judge may be "in" on a deal made to clear up a number of crimes, even though the formal confession only lists one.[130] The important variable so far as the police, the defendant, the attorneys and the judge are concerned is the length of the sentence, and the various transactions which take place involving reduction of charges, clearance of crimes, seeming severity of sentence, and conviction rates are important for the outside audiences of the public defender, the police, the judge, and the district attorney, respectively. Thus the various transactions are carried on around a defendant as he moves through the court, and each participant is concerned with making a good transaction so that "justice" is done and so that the image presented for the "elite public whose approbation is appreciated" is as good as possible. On occasion, as when the

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[129] Skolnick, op. cit., p. 196, and Jerome H. Skolnick and J. Richard Woodworth, "Bureaucracy, Information, and Social Control," in The Police, ed. by David Bordua, Wiley, New York, 1967, p. 126.

[130] Skolnick, op. cit., p. 175.

[131] Long, op. cit., p. 253.

District Attorney charges the greater of two possible charges so that it will appear that he is being particularly lenient when he changes the charge, thus "setting-up" the defendant for the Public Defender's pitch for a guilty plea, it seems that everyone is attending to their transactions while the long-range good of the defendant is being left to chance.[132]

Court, jail, and public relations considerations may reflect back on the working police officer. Piliavin and Briar report that in the Westville Police Department's Juvenile Bureau:

> "Unofficially, administrative legitimation of discretion was further justified on the grounds that strict enforcement practices would overcrowd court calendars and detention facilities, as well as dramatically increase juvenile crime rates--consequences to be avoided because they would expose the police department to community criticism."[133]

These institutional relationships are among the more explicit and well understood. Piliavin and Briar report that they were recognized by beat officers as well as by supervisory and administrative personnel.

Probation and Parole. -- There are a number of instances where the police need to arrest someone to carry out a thorough investigation, but can find nothing to arrest him for. If he is on probation or parole, there are a great many conditions of his probation or parole which he may be violating. The police in Westville, according to Skolnick, are on friendly terms with the various parole and probation officers and should the need arise they will arrest a parolee for parole violation even though the parole officer had not requested it in advance. The parole officers usually will say that they did request it should the question come up. In return, the police keep the probation and parole officers apprised of their probationers' behavior, especially when it seems illegal.[134] Apparently the Detroit Police, at the time the data for LaFave's study were gathered, would go one step further and simply forge the signature of the probation officer to a probation hold form without his knowledge, when they had insufficient information for a legal arrest. This apparently disturbed some probation officers, but not others.[135]

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[132] Sudnow, *op. cit.*, p. 270, suggests the "set-up."

[133] Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," *American Journal of Sociology*, 70, 2, September, 1964, p. 208.

Institutionalized Transactions as a Social Control for the Patrol Officer

For the working police officer, the community as a whole is an abstraction, as it is for everyone else. The community may be behind him, but it is like having a fog behind him, apparently solid from a distance but offering no concrete support or backing. The true support and backing, the information which can be trusted, the appreciation and the pathways for guiding a man through an abstract legal jungle have arisen through routine transactions, with specific institutions in the community, which have themselves been institutionalized over time, although they probably have not been formally legitimated by law. It is these institutions which a police officer must take into account in his calculus of action if he is to function within the role pattern lived by officers before him. If he innovates, he may establish a new institutionalized connection between some institution in the community or legal system and the police. His innovation is unlikely to constitute a large portion of the institutions he and the other officers are constantly learning and attending to because there are thousands of connections with hundreds of other institutions and no man in the police department knows them all, or even a good portion of them. Some institutionalized transactions are so common that they are almost thought of as rules, and many have been enacted as rules. Some institutionalized transactions may exist between a single officer and a few members of the public and will disappear when he retires. Most are somewhere in between these extremes. Whenever the police officer is confronted with a situation, there will probably be an institutionalized adaptation which has been developed by other officers before him which will guide him to make more or less the correct bargain, and, in the process, he creates or recreates the police institution in that situation as it is apperceived and responded to by representatives from other institutions. It is from these situational encounters that the "community" is made up as an environment, not from any consideration of the total number of people within the city limits of Westville. It is toward this created community, which is the intersubjectively real community of the police, that the officer orients himself for validation of his role and legitimation of his actions. The "community" surrounding police officers is disproportionately populated by criminals, people who live in the street, other law officers, and the representatives of legal institutions. It is a different community from that surrounding any other occupational institution, as each occupational institution's community is distinct and made up from the portions of other community institutions with which its members regularly interact and institutionalize their interactions. Thus, viewed from the perspective of occupational institutions, there are as many communities in a territorial area as there are occupations because each occupation has its own. And each of these communities is real for its inhabitants, and other communities seem strange and unknown territory not to be entered lightly. It is probably the case that an average person fully lives in and appreciates only one such community in his life unless he is an anthropologist of social territory.

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[134] Skolnick, op. cit., p. 153.

[135] LaFave, op. cit., p. 361.

Conclusions

For an extremely wide range of situations, the police officer must decide whether to engage the formal apparatus of legal control, tertiary control, or whether to attempt to use the secondary controls which exist in the interactive situation. Two conceptions of the proper role of the police officer exist, one of which emphasizes his legal control and one of which emphasizes his interactive control of behavior.

Many aspects of concrete situations incline a police officer to attempt to use non-legal controls where possible. Among the most important of these is the expectation of the people he deals with that he will "go along" with the customs of the community he is working in, and will not apply the legal sanctions at his disposal unless the people involved see this as the appropriate solution. As an officer builds up his own interactive relationships with regular "clients" or offenders, he becomes able to make much more sophisticated judgements about the course of action which is best suited to their problems. He becomes progressively more involved with possible non-legal solutions, and his behavior becomes progressively more controlled by the expectations which he has built up about the people he deals with, and by their expectations of him. As he uses non-legal solutions for the problems he encounters, he ignores the possible legal solutions and thus "under-enforces" the law in some situations.

Increasing emphasis on the qualifications and professionalization of police work have the effect of increasing the possibility of using tertiary controls rather than secondary, interactive controls.

The police officer is not equipped with any particular mandate to aid in controlling situations which are not violations of the law, and when he uses laws as levers, the result is generally somewhat unsatisfactory.

People do not always know whether behavior is illegal or immoral or just distressing, so they call the police in many situations. The poor particularly are uncertain regarding what experts to consult for their problems so they call the police.

Because the police are on duty twenty-four hours a day, they have picked up several functions by default. Interpersonal problems tend to arise at night and on weekends when personal and occupational social controls are weakened and there is no one else to respond to a call for help.

Since non-legal social control is not their official function, the police intentionally avoid extensive intervention in interpersonal problems, responding only at crisis periods where the public peace is threatened and being armed is necessary.

Some officers and departments have sought to extend social work, but these efforts seem to face a structural conflict with regular police goals.

Alcoholics tend to be arrested when they are a danger to themselves or others. Many arrests are to keep them from dying of exposure or being hit by a car. No useful purpose appears to be served by the arrest of alcoholics except their removal from the street for esthetic and safety reasons. Some minor crime is controlled by the arrest of alcoholics.

Mentally ill persons are left alone if they appear to be "making it." Wide experience with defective people makes the police officer tolerant of mental deviations. Actual emergency hospitalization depends on overwhelmingly conclusive evidence of mental illness, or an attempted suicide. There is no handy, immediate disposition for the mentally ill short of hospitalization as there is for the alcoholic, so he is helped back into the community unless the problem is extreme.

Family disputes often include violence and danger for all concerned. Officers try to control the situation and come to an equitable solution, which is difficult. Advice the officer is likely to give is unlikely to be congruent enough with the life style of the disputants to be acceptable. Legal solutions are generally too drastic, so they are not followed by the disputants. Officers often arrest one party to stop the fight temporarily, but this is not a permanent solution and it tends to make the situation deteriorate further.

The secondary social control that the police perform in these situations, even with the best intentions and best will, is inadequate.

The control is not effectively rendered, the officer's time is often wasted, and the officers are frustrated by their inability to achieve closure in the situation. No one has suggested any solutions.

The community may be seen as an ecology of institutions. The police institution is one among other community and legal system institutions. Routinized transactions between institutions themselves become institutionalized and an aspect of the social reality learned in secondary socialization.

The chief makes many transactions for the department. The materials he has to trade with are police presence and the selective enforcement of laws.

Although the public feels that _mala in se_ laws are more important than _mala prohibita_, the trading which is done in the legal system often involves the former, while street trading of immunity for information involves the latter.

The newspaper is an important institution for the police because of its relation to all of the other institutions in the territory.

Many specific institutionalized transactions exist between police officers and public events, restaurants, businessmen, transportation companies, influential people, the helpless in the community, and many other community institutions. The transactions with these institutions control police behavior in specific situations, and, in sum, make the police responsive to community customs as well as to legal requirements.

In areas connected with the legal system, the police carry out transactions with criminals, informers, jails, traffic offenders, city politics and offices, other police agencies, the District Attorney and the Public Defender, the Probation and Parole Departments. There are many other connections besides those mentioned here.

The police officer's social environment, which he takes as real, and which controls large segments of his behavior, is made up largely of these institutionalized encounters with other community and legal system institutions. Each institution is surrounded by what its members construe to be the real community, though each such "community" is different because it is made up of the idosyncratic pattern of institutionalized transactions with other institutions.

CHAPTER III

THE ENTRANCE OF FORMAL SOCIAL CONTROL AGENTS INTO INTERACTIVE SITUATIONS

Before a tertiary social control agency can evaluate a situation to determine whether or not to act, it must become aware of the fact that a violation has taken place, and that its services might be appropriate. There are three ways in which a tertiary agency, such as the police, may become involved in a concrete situation.

The first way is for a person in the situation to request the police to become involved. As has been mentioned before, people who are victims are not always sure whether or not their problem is a legal one, and the police are often called in on non-legal problems. When this happens, the police must convince the person that he has been helped, without, however, helping him in a legal fashion.

The second way is for the police to perceive an offense on their own without depending on the complaint of a citizen. In order to do this, they develop a number of perceptual strategies which allow them to see criminal activity which would not be apparent to one not so sensitized. The problem here is detecting criminality and distinguishing it from non-criminal behavior. Routinely examining the world in this fashion gives the police officer a jaundiced view of reality which may affect his interpersonal relationships.

The third way a tertiary agent may become involved is for a violator to behave in such a way that he challenges the police to some sort of contest. Though it is not frequent, there are still a number of situations in which criminal activity is recast into a "cops and robbers" game by the violators or by the police.

Any of these three ways of becoming involved puts the police into contact with the actual situation, and makes tertiary control a possibility.

THE COMPLAINT OF CRIME

The police develop many of their cases from their own observations; in other instances, a complaint from a member of the public alerts them to an offense. On the surface, the process seems simple: a citizen becomes aware of an offense, notifies the police, and the police investigate and take action to correct the trouble. In fact, there are usually things about the complainant, the situation, the nature of the offense, or the offender that make the simple model unworkable. The public in general, and the complainant in particular, are not likely to understand or appreciate the legal and customary boundaries of action which the police feel constrained to observe, and thus are likely to evaluate the police themselves negatively when the simple offense-complaint-corrective action model is not followed. The police understand the feelings of the public in this regard and in most instances try to make it appear to the complainant that the simple model is being followed, even when it is not. A person who has been the victim of some offense and wants something done about it is not happy to hear that there is nothing the police can do because the offense did not constitute a violation of the law, or is too trivial for the police to bother with, or, in the opinion of the police, is better left alone, so the officer in the situation faces the dilemma of telling the truth and leaving a citizen dissatisfied, or disguising the truth and leaving a happy, though misinformed, citizen. In many cases, perhaps most, where the action desired cannot be taken, the officer chooses to say those things which will leave the impression in the mind of the citizen that some purposive action is being taken. In some instances, the officer makes a statement which is literally true, such as "we will cruise around the area to see if we can find him," which the complainant interprets as meaning the officer is going to devote several hours of time to his complaint, while the officer means that since he will be driving around on the beat anyway on his way to other calls, he will keep his eyes open for this offender as well. Thus the officer's ambiguity supports two different and contradictory perspectives at the same time and does not confront either with the discrepancy which actually exists. This is the structural equivalent of "tact" in social relations.

A number of suggestions have been made for the way to handle complaints, the following being a procedure which applies generally:

> "First, hear what the complainant has to say. Let him tell his own story and be sure you thoroughly understand exactly why he brings it up. Second, tell the person what you will do about his trouble, and when you will do it. Third, take the action you promised you would take. Fourth, tell the complainant what you have done and, fifth, follow up on the case to see that the condition does not arise again."[1]

There are, however, a number of factors which make it impossible, or difficult, or inadvisable to follow such a procedure.

Situations Where the Officer Can Do Something About the Complaint

In some cases, the officer can do everything the complainant wants. These cases arise where there has been a clear violation of the law, where the offender is known and apprehendable, where the offense is a felony, or if a misdemeanor either committed in the presence of the officer or in the presence of the complainant if the complainant is willing to make the arrest. These cases also arise when the complainant simply wants some present nuisance abated and the officer is able to do it right at the time. Such cases constitute a distinct minority of police-complainant interactions.

On some occasions, the police officer could do what the complainant wants but feels it would be unwise. In cases such as this, the complainant is likely to be left feeling unsatisfied unless the officer can put the blame off on someone else or explain his reservations in such a way as to convince the complainant to forget it. On one call, a young woman complained that her mother-in-law was stealing the mail out of her mail box and forwarding it to her estranged husband who lived out of town. She knew where her mother-in-law lived and wanted us to do something about it, either go talk to her or arrest her. The young woman had waited until almost midnight to call in her complaint, and was unhappy that we would not immediately go and roust her mother-in-law out of bed to interrogate her. We suggested that she call the postal authorities during the day and report her suspicions to them.[2]

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[1] Raymond E. Clift, A Guide to Modern Police Thinking, 2nd ed., W. H. Anderson Co., Cincinnati, 1965, p. 141.

In a Westville case, reported by Skolnick and Woodworth, the father of a statutory rape "victim":

> "...insisted that King prosecute the accused boy, who denied the offense. King told the father that he must think of what would happen in court, pointing out that the girl was incorrigible and that her parents could not handle her. In court it would be her word against the boy's, and no jury would believe her. The father still insisted that the boy be prosecuted. King ended the interview by ushering the father out the door and saying that if the father could not get any more evidence, the district attorney would not issue a complaint. "If you can find me someone who heard him admit it, I'll prosecute."'"[3]

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[2] Field Notes.

[3] Jerome H. Skolnick and J. Richard Woodworth, "Bureaucracy, Information, and Social Control," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, p. 114.

In this case, since the officer could not dissuade the complainant from prosecuting by explaining the folly involved, he changed his tactic and cooled the complainant out by placing the blame for inaction on the district attorney.

On occasion, the complainant may himself be an offender, or he may be attempting to use the police for private gain. When the police officer feels this is happening, he becomes reluctant to be used and attempts to find a way of not responding to the complaint. For example, when a drunk staggered up to the patrol desk to report an automobile accident in which he claimed to be the victim, the officers attempted to get a coherent story from him in spite of the fact that he refused to give his own name and address. Searching around for a way to avoid making an actual complaint out of this incident, because the drunk was probably either responsible or contributory, and certainly was unreliable, the officers continued asking about it until he mentioned that it had taken place in a service station, private property, whereupon they said they could do nothing about it.[4]

Prostitutes sometimes complain about other prostitutes to eliminate the competition, and drug sellers do likewise to their competition. The police tend not to trust the motivation of people in certain statuses making certain complaints unless they have reason for thinking the motivations are reliable. Reliable motives are those which the officers can control to some extent, such as a desire to escape penal sanction or information in return for money to purchase drugs.[5]

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[4] Field Notes.

Sometimes the police come into contact with a complainant who wants something done by the police about an offense, but who is unwilling to sign a complaint which would make an arrest possible. This often comes up when the perpetrator and the victim are involved with each other in some sort of interactive relationship which would be damaged permanently if one signed a complaint bringing legal action against the other; and yet, at the moment, the victim feels offended at what has happened to him. It is very often the case in family fights that the wife would like to have the husband removed by the police for the night, but without arresting him. Here the police explain that they are powerless to act unless the wife arrests her husband, in which case, they can remove him to jail. On occasion, statutory rape victims have to be pressured into signing a complaint against the responsible party so that prosecution on criminal charges can be carried through.[6] In these cases, the officer can do something about the case only if the complainant is willing to define the situation in legal terms and be satisfied with legal action, which is not the course of action he would otherwise choose. A report based on a survey of victims of crimes found:

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[5] Skolnick and Woodworth, op. cit., p. 116.

[6] Ibid., pp. 120, 124.

> "Those victims who said that they did not notify the police were asked why. Their reasons fell into four fairly distinct categories. The first was the belief that the incident was not a police matter. These victims (34 per cent) did not want the offender to be harmed by the police or thought that the incident was a private, not a criminal, affair. Two per cent of the nonreporting victims feared reprisal, either physically from the offender's friends or economically from cancellation of or increases in rates of insurance. Nine per cent did not want to take the time or trouble to get involved with the police, did not know whether they should call the police, or were too confused to do so. Finally, a substantial 55 per cent of the nonreporting victims failed to notify the authorities because of their attitudes toward police effectiveness. These people thought the police could not do anything about the incident, would not catch the offenders, or would not want to be bothered."[7]

Situations in Which the Officer Can Do Nothing About the Complaint

In many instances, the victim of some offense wants the police to punish the offender without realizing that the act in question is not against the law but only a violation of custom. For example, in one family disturbance call, we met an outraged wife on the street. She had been left at home for two days while her husband was out drinking with another woman. When she ran out of money to buy food for her baby, she gathered the baby up and went looking for her husband. She found him in a bar with the other woman. When he saw her he ran away, got in his car and, according to the complainant, took off so fast he almost ran over her. The only possible criminal offense would have been assault with a deadly weapon (automobile) but the unsupported testimony of a complainant who had herself been drinking was not really sufficient to prove intent. In such a situation, the officer can only offer advice as to possible civil remedies. We told her to go home and see a lawyer about getting support money from her husband, or about getting a divorce.[8]

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[7] Phillip H. Ennis, "Crime, Victims, and the Police," Transaction, June, 1967, p. 40.

In another instance, a complainant who lived in an upper-middle-class neighborhood called the police because he had observed three male Negro juveniles driving around in a car, and had seen them drive by three times. Although the neighborhood was almost all white, and it was possible that the boys were there for some criminal purpose, we had to explain at some length that they were breaking no law by driving around and even if we saw them (which we later did) we would have no cause to stop them unless we saw them commit some violation. In this case, the citizen's notion of what was customary and proper was being violated and he could think of nothing to do but to call the police. Purely for public relations, we told the complainant that we would look out for them for the rest of the evening, even though we knew the next call would take us miles away.[9] Other instances of complaints caused by active imaginations are taken care of by "snowing" the complainant, that is, by convincing him or her that the officer is taking an active interest in the problem:

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[8] Field Notes.

> "When the complainant is a woman or girl alone, leave her with the impression that you are going to give her your personal attention for the rest of the shift and will have the following shift watch her house, and that her personal safety is your only object in working. By being sincere, you can relieve her of a lot of unnecessary worry. During your tour of duty, flash your spotlight on her house as you go by."[10]

Each time the officer drives by and shines the spotlight on the house, the complainant will be reassured.

Sometimes the complaint will be the result of some mental disturbance of the complainant, in which case, the problem is talked over until the complainant is happy, and nothing else is done.[11]

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[9] Field Notes. Allen P. Bristow, Field Interrogation, Charles C. Thomas, Springfield, Ill., 1964, p. 14, suggests that such information should always be acted upon by the officer, even though he feels the information is erroneous, for the public relations value. We actually did see the car in question later but were going to a "hot" call and did not have a chance to check them out.

[10] Normal L. Clowers, Patrolman Patterns, Problems, and Procedures, Charles C. Thomas, Springfield, Ill., 1962, pp. 190-191.

[11] Field Notes. Though nothing further is done for the complainant, such a contact may result in a "mental illness" card being filed in the radio room under the complainant's name, which will affect the speed with which the police respond to further complaints. This may be unfair, but it is justified on the practical basis of the necessity of sending cars where they are probably needed, that is, where primary controls are not known to be defective.

Sometimes the complaint is apparently the result of drunken incoherence, in which case, nothing will be done if the complainant seems harmless. If a drunken complainant seems abusive or possibly dangerous, he will sometimes be arrested himself.[12]

Situations in Which the Officer Can Do Nothing but Take a Report

In many cases, a complainant has been a victim of a theft or of malicious mischief and he calls the police to report this fact. Under some circumstances, he will have some chance of police action other than taking a report. If the theft was large, or the thief is known, the police will have some reason to follow up. For small losses, particularly of objects without serial numbers, and for malicious mischief which appears to have been caused by unknown juveniles, there is no particular justification for following up with an investigation. This is so because, first, the probability of success is quite small, and, second, even if the responsible parties were found, it might be impossible to arrest them unless the offense was committed in the presence of the complainant, if it is a misdemeanor. This being the case, the officer is not inclined to spend much time on attempting to track down the responsible parties. The complainant, however, feels victimized and wants to have something done. The officer "takes a report" which will "be on file" at the police station should anything further develop. The officer may also be sympathetic and suggest ways to avoid having the offense recur, but there is little else he can do. A man had the battery stolen from his pick-up truck which was parked near his place of work. We took a report, for his insurance company as much as anything else, suggested that he park his truck inside the locked yard in the future, and told him we would "look around" for the responsibles. Had we seen anyone walking down the street carrying a battery, we would indeed have stopped him, but aside from this no further action was contemplated. A man who lived in a housing project had his window broken on Halloween night, probably by the same juvenile who had thrown a rock at the police car earlier. We sympathized with his anger, made a note of it on an assignment card, told him we would not blame him if he hit the juveniles involved (although, of course, he could get in trouble for doing that), and left without taking any further action.[13] Even if we could have found the responsible juvenile among the forty or fifty running around that night, we would have had a hard time proving a case.

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[12] Field Notes.

Situations Where Official Action Would Make Matters Worse

There are a number of situations where the legal possibilities and what would be thought of as satisfactory interactive solutions conflict. Official police action involves removing a person by arrest, jailing him, taking him to court and possibly having a fine or sentence levied against him. While this procedure punishes the individual for the offense, it does little or nothing to insure that he will be contrite and peaceful when he returns to the situation later. The police, not wanting to create future trouble to take care of, attempt to assess the situation and see if arrest and prosecution would serve the ends of social control or not. Disputes between neighbors involving criminal offenses are often left alone by police officers, as are other conflicts between people who are in "continuing legitimate relationships" with one another,[14] which is another way of saying interactive institutional relationships. A common tactic, mentioned before, is to point out the bad consequences of official action to the complainant, and then to let the offender know that the complainant is not going to prosecute "this time." Thus control of the situation is returned to the informal, interactive level and the police avoid becoming a weapon of private vengeance.

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[13] Field Notes, both incidents.

On some occasions, a knowledgeable complainant will arrest an offender and demand that the police take him into custody. Under Westville's State's law, the police must take an offender into custody if requested by the arresting citizen. Although the police are required to take such offenders into custody if they are convinced an offense has taken place, they sometimes attempt to convince the arresting citizen not to carry through if it appears to them to be an injustice. Should the citizen continue to insist on the arrest, the police may temper the seriousness of the arrest by selecting the charge to be made against the offender. Thus, unless the arresting citizen is very knowledgeable about the law, and almost none are, the officer can use his discretion in charging to aid social control. For example, in one family disturbance call, we were greeted with the following situation: A man had come to the home of his wife, from whom he was legally separated, to see his children, for whom he was paying child support. He had called up to his wife to let him in and she refused. He then called up and asked her to put the children out in the hallway of the apartment building so that he could see them, even if she wanted to stay behind a locked door in the apartment. She refused this reasonable sounding request, and kept him standing outside the building by refusing to buzz open the front door. He then went around to the back of the building, went up to the apartment by the service stairs, and kicked the back door of the apartment in. He then proceeded to visit with his children, and his wife called the police. When we arrived, the scene was peaceful but the wife demanded that he be arrested for breaking down the door. We tried to talk her out of it, because in our opinion she was not blameless, but we were unsuccessful. She demanded that he be arrested, and, since it was clear that the offense had taken place, the door being completely out of its frame, we had no choice but to do so. At first the officer filling out the arrest form was going to charge the husband with "malicious mischief," this being the usual charge for such property damage. In consultation with the other officers present, however, it was decided to charge "disturbing the peace" as this would lead to less serious consequences for the husband. We did not let the wife know that we had picked the least serious possible charge, but we explained it in detail to the husband when we got him outside because none of the officers felt that it was a "just" arrest, although clearly legal.[15]

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[14] Wayne R. LaFave, Arrest, Little, Brown & Co., sine loco, 1965, pp. 119-120.

The final situation in which the desires of a complainant may be abridged arises when the action he desires might create an incident. In the ordinary course of events, the police officer may decide to make or not to make an arrest for an offense he witnessed in part depending on his assessment of the surrounding circumstances. Officers often decide not to arrest when a riot might be started by their arrest. When a complainant desires such action, however, the officers must either convince him that it is unwise, or attempt to abate the nuisance without an actual arrest. In one instance, an extremely noisy party had resulted in a number of complaints. By 3 a.m. we had returned to the party three times and other officers had been there twice. The complainant, manager of the apartment building, got increasingly disturbed and finally signed a "citizen's arrest" form. The officers, however, did not let him make an actual arrest because the party was full of drunk, ugly people and had we tried to remove the hostess, we almost certainly would have had a melee on our hands. Instead, a sergeant went in and in an extremely calm voice talked with the hostess for about half an hour. While he was talking, the music was turned down, and the various guests gradually left. Although she was still belligerent when we left, the party was ended without an arrest or incident because all of the guests had gone. The complainant was then told that should he still wish an arrest, he could contact the district attorney's office on Monday and file a complaint.

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[15] Field Notes.

THE PERCEPTION OF CRIME

Since people do not always see or report crimes, the police must discover them on their own. In order to do this, the police officer sees a world of crime. This is his reality. As he drives down the street in his patrol car, the significant elements that he attends to are evidences or rememberances of criminality. He views the street in terms of its illegal activities, and thinks that he is seeing the "reality" of street life. "That shoeshine parlor has gambling in back; this bar used to have bloody fights every night but it has quieted down now; I saw a man here who had just been cut in the back with a razor; they sell bennies in that cafe; sometimes that newsstand operator runs a book; those three girls walking down the street are prostitutes; in this house, they have a family fight every Friday night," he thinks as he drives down the street. In part, this perceptual world is a result of his training in recruit school; in larger part, it is a result of linguistic objectifications transmitted by experienced officers and his typifications of his own ongoing experience.[16] This perceptual world becomes "his" world in the course of his work and gradually supplants the perceptions he learned as he grew up. To the extent that he has substituted his "everyday reality" of a police officer for the "everyday reality" which he experienced as a civilian, he has become a "professional" police officer and a jaundiced citizen.

The process of learning to see the world as a police officer is a process of secondary socialization to the occupational role of the police officer. As such, it involves more than the rote memorization of a number of indicators of possible criminality. As Berger and Luckmann point out:

> "...each role opens an entrance to a specific sector of the society's total stock of knowledge. To learn a role, it is not enough to acquire the routines immediately necessary for its "outward" performance. One must also be initiated into the various cognitive and even affective layers of the body of knowledge that is directly *and* indirectly appropriate to this role."[17]

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[16] Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality*, Doubleday and Company, Garden City, New York, 1966, pp. 33-37.

[17] *Ibid.*, p. 72.

The position of the police officer is somewhat different in one respect from the position of persons being socialized to other occupational roles. In every occupation, there are aspects of everyday reality which receive particular emphasis and attention and which are typified in interaction in such a way that those entering the occupation come to look on them in the same way as those already in the occupation. A medical doctor looks at the portion of bodies he is interested in, a gas and electric company employee looks at patches in the street, meter covers, fuse boxes, transformers and power lines, a confidence man attends to the passers by with attention to those characteristics likely to indicate a good "mark," an archaeologist attends to the clues which indicate artifacts, but a police officer attends to the sort of behavior which all of these people look on as undifferentiated everyday reality.[18] He attends to the unattended, the presentations made in routine street behavior. The important characteristic of the police officer's perceptual orientation is the large and unspecialized segment of life which he takes as his object of attention. It is at least a quantitatively greater portion of reality which he attempts to see in his special way than the portions of reality viewed in specialized ways by members of most other occupations. It is because almost any interpersonal presentation may be viewed by an officer in terms of his special perception that I argue that the policeman is socialized to a complete everyday reality which is markedly divergent from that of others in society. The primacy of everyday reality over other realities has been described thus:

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[18] Edward T. Hall, The Hidden Dimension, Doubleday, Garden City, New York, 1966, p. 65.

> "Compared to the reality of everyday life, other realities appear as finite provinces of meaning, enclaves within the paramount reality marked by circumscribed meanings and modes of experience. The paramount reality envelops them on all sides, as it were, and consciousness always returns to the paramount reality as from an excursion."[19]

To substitute for this reality a reality based upon secondary socialization into a role implies far reaching changes in apperceptions, and certain difficulties in maintaining the "police perspective" in the face of the pervasive intrusion of the primarily socialized everyday realities.

> "The formal processes of secondary socialization are determined by its fundamental problem: it always presupposes a preceding process of primary socialization; that is, that it must deal with an already formed self and an already internalized world. It cannot construct subjective reality *ex nihilo*. This presents a problem because the already internalized reality has a tendency to persist. Whatever new contents are now to be internalized must somehow be superimposed on this already present reality. There is, therefore, a problem of consistency between the original and the new internalizations. The problem may be more or less difficult of solution in different cases."[20]

Since attending to the world for indications of criminality, and perceiving them, is the officer's most important tool in his work, he must always fight against the inclination to apperceive the world in "normal" terms, that is, to attend to the same elements that others would, rather than elements which indicate violations or potential violations. It is often said that it takes five years (it actually varies widely) for a police officer to become "experienced" and capable of taking care of most situations without supervision. Though this includes many cognitive areas, I suspect that an important factor in this extraordinary length of training time is that the entire police reality must be gradually substituted for the everyday reality with which the officer started, and this is a long process. Perhaps it is this difficulty and the "unnaturalness" of the police perspective which lead a constable to comment that "The natural born policeman should be strangled at birth."[21]

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[19] Berger and Luckmann, *op. cit.*, p. 24.

[20] *Ibid.*, p. 129.

The police officer does not just attend to appearances but to all presentations as problematic. He attends to the unattended and by asking questions to which he already knows the answers, he creates a situation where he can assess what would ordinarily be believed. In other words, he is highly critical of the information he receives when his police perceptions are operating. He learns these perceptions in his interactions with experienced officers. Westley wrote:

> "Eight hours a day, six days a week, around the clock, they talked with their partners. Long hours between action have to

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[21] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, p. 118.

> be filled; and the older men, hungry for an audience, use them to advantage. Here the experienced man finds an opportunity to talk about himself as a policeman, about his hardships and happinesses. Here he is expected to talk. His talk makes him feel good . . . more important. Here is someone to whom he is an expert; here he finds none of the boredom of his wife, or the derision of the public, but an eager, subservient listener."[22]

Harvey Sacks illustrates the transmission of perceptions:

> "As he walks through his beat with a mature officer, persons who to him appear legit are cast in the light of the illicit activities in which the latter knows they are engaged. The novice is shown that he ought to see persons passing him in terms of the activities in which they are engaged. And the activities in which they are engaged are often more purient than he might suppose. The lovely young lady alighting from a cab is now observable as a call-girl arriving for a session. The novice is shown how to see the streets as, so to speak, scenes from pornographic films. And what is more, he is able to see the illicitness under the conditions that few, if any, who observe him passing through the streets are able to see either that the officer is in such a scene or what it is that he is indeed observing. The policeman has then the privacy of the stag show theatre while parading the streets in full uniform, and further, there is no noticeable entry or exit, at which, if seen, embarassment might be called forth."[23]

One police writer suggests:

> "Hardly a chore the officer performs assumes more significance than this job of "watching others, with a purpose.""[24]

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[22] William A. Westley, The Police: A Sociological Study of Law, Custom and Morality, unpublished Ph. D. dissertation, University of Chicago, 1951, p. 253.

[23] Harvey Sacks, "Methods in use for the Production of a Social Order: A Method for Warrantably Inferring Moral Character," no date, ditto, pp. 8, 9.

[24] Clift, *op. cit.*, p. 125.

In addition to observing persons, officers look at the world around them with a view to making unusual use of it. One author suggests that officers should look at the world as a place they might have to chase people through:

> "Note which alleys and streets are blind. Notice short-cuts that can be taken while driving from one location to another. Pay attention to yards in the residential areas and to the location of fences, hedges, swimming pools, fish ponds, excavations or anything else that might not be easily seen at night. Pay special attention to clothes lines, and their location. Many an officer, while in pursuit of a "peeping Tom" and while running through dark back yards, has suffered a deflated ego as well as physical injuries when a clothes line caught him under the chin and he found himself flat on his back looking at the sky."[25]

The perceptions of the world that a police officer is able to achieve are limited by the extent of his senses and the cultural patterning of senses acquired in his primary socialization. Sight is most important, hearing is next. Both because man was once a tree dwelling animal and because Americans are culturally undeveloped in this area, the sense of smell is little used in routine police work.[26] There are, however, a number of areas in which acute sensitivity to odor would be useful in finding evidences of criminality. It is largely for this reason that police dogs are employed.[27] A dog can be trained to use his nose to detect criminality, and he thus becomes a very useful extension of the police officer's perceptions. Police dogs are routinely used to find burglars who are hiding in large department stores.[28] Dogs have also been trained by Scotland Yard to smell marijuana out from hiding places.[29] One can only speculate on future uses of dogs in the detection of criminal activity.

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[25] Clowers, op. cit., p. 131.

[26] Hall, op. cit., pp. 36, 43.

[27] They are also employed for their psychological impact on the public in riot control. Colonel Rex Applegate, Crowd and Riot Control, The Stackpole Co., Harrisburg, Penn, 1964, p. 124.

Visibility

Some behavior is much more visible to the police than other types. When behavior is both visible and criminal, the police are in a position to use their specialized perceptions to gather information that will result in an arrest. There are some low visibility areas, however, and these are not uniformly distributed through the class structure of society. Nighttime, indoor areas, private clubs all shield people from the view of the police. Anyone can use the night, but the better off one is, the larger the amount of private space one has to do things in. The lower class person spends more time on the street, in view of the police, than does the middle class person. This is partly because he does not have the room in his home that the middle class person does. The person who gambles in the back of a shoeshine parlor is more likely to be caught than the person who gambles in a men's club. Juveniles are less likely than adults to have private space under their control so they are more likely to be seen by the police.[30]

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[28] Two other elements make the dog useful in this situation. First, he views the world from a lower perspective than a man and thus may see someone hiding under something, and, second, he is unable to rationally evaluate the possible consequences of rushing into a dark building which quite possibly contains an armed and frightened man.

[29] "Dog With a Nose for Narcotics," San Francisco Chronicle Sunday Punch, March 26, 1967, p. 6.

Violations of the sex laws are routinely carried out in private places which the police cannot enter. Thus "perversions" are not given a great deal of police attention.[31] Street walkers can be and often are arrested, but many call-girls work for years without being taken in.[32]

Crimes of violence are often hard to see until too late:

> "As far as violent crime goes, even the police despair, since so much of it takes place in private, or semi-private, places which police patrols cannot reach until it is too late. A murder or an assault can--and does--take place inside an apartment no matter whether there are one, two, or ten policemen outside on the sidewalk."[33]

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[30] Scott Briar and Irving Piliavin, "Delinquency, Situational Inducements, and Commitment to Conformity," Social Problems, Summer, 1965, Vol. 13, No. 1, p. 43, point out that under conditions of low visibility even boys not strongly motivated toward delinquency will commit delinquent acts. Arthur L. Stinchcombe, "Institutions of Privacy in the Determination of Police Administrative Practices," American Journal of Sociology, 69, 2, Sept. 1963, p. 157, deals with the relation between class and private places.

[31] Clift, op. cit., p. 204. Stinchcombe, op. cit., p. 152.

[32] Adam Hochschild, "The Vivid Recollections of a Nob Hill Lady of Pleasure," The Sunday Ramparts, November 6-13, 1966, p. 3. "That's white power--she hasn't been busted." Stinchcombe, op. cit., p. 153.

[33] James Q. Wilson, "Crime in the Streets," The Public Interest, 5, Fall, 1966, p. 34.

On the other hand, some behavior is particularly public and visible, for example, traffic violations. The automobile is a big object, and when it is being driven erratically, it is a big, erratic object. Policemen must look at other cars simply to drive their own, and once they become attuned to violations of the Vehicle Code, they see them constantly. At night, when other illegal behavior is hidden, automobiles are lit up or, if not, they are in violation anyway. This is one reason why so many police-public contacts start with a "car stop," and why any form of illicit behavior becomes more open to police control if it is carried out in an automobile rather than in private.

For behavior which is visible to the police, the problem is to learn to attune themselves to those aspects which will indicate possible criminality.

Strategies of Perception

Practice of perception - learning to make relevant distinctions

The police are encouraged to play "perception games" with their partners or with themselves to sharpen their powers of observation.

> "The policeman can attend to his route with an awareness that he can, by making an especially subtle recognizance, take a place within department history. He is encouraged, that is, to engage, even when patrolling alone, in playing observation games; for example, glance at a store window, note to oneself all the items that one can recall within it, then check back to

> see what one has missed or noted incorrectly. While such games are more readily played when police patrol in pairs, the attended history of recognizances permits the sole patrolman to play the games against the department's historical figures."[34]

Some of the things an officer is encouraged to look for are:

> "...individuals--their physiques, actions, dress, occupations, facial expressions, complexions, walk, voice, scars or deformities, unusual characteristics, loiterers at playgrounds:
>
> Observe groups-type of dress, what is being said, leaders, reason for gathering, language used, humor of the crowd, approximate number of people, any disorderly acts, sex and age, and the approximate number of each;
>
> Observe places--empty buildings that children or vagrants could enter, rooms and their furnishing, locations of safes in stores, easy means of entry for burglars, the relative position of buildings;
>
> Observe things--location of hydrants, phones, house numbers, directions, sources of danger to the public, such as holes in the sidewalk, street signs bent or turned, anything unusual."[35]

He may also be encouraged to use his other senses:

Hearing - learning to interpret the nature of various noises; what kind of car, hear a drill? Is it being used to crack a safe?

Smell - Gasoline at fire, Arson? Smell of gas at suicide, don't turn a light switch off, it sparks. Recognize smell of gunpowder, narcotics.

Touch - types of cloth, examining windows and doors at night for tool marks. Car warm?

Taste - What is the substance?[36]

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[34] Sacks, op. cit., p. 9.

[35] Clowers, op. cit., p. 259.

[36] Field Notes, not Westville.

The officer is encouraged to employ a self-correcting procedure to find out what he did right when he makes an arrest:

> "Every time you make a good arrest, ask yourself the question, "What tipped me off that something was wrong - what attracted my attention?" You will generally find that it was some seemingly insignificant act or piece of evidence that first attracted you. It isn't easy to go back and determine just what made you suspicious. When you do, you will generally find that it was something very minor, just the way somebody turned around and looked at you a second or two too long, or the way that someone was moving a little too rapidly away from the door. Spend a little time talking this over with your partner and see just what it was that led you to some of your good arrests. When you do this, you will find that the rather vague feeling you get when you think something is wrong actually has a pretty firm foundation in your observation. Remember what these clues are and in the future look for similar situations on the street."[37]

In other words, Holcomb is recommending examining an unverbalized experience and verbalizing it. He further suggests talking with one's partner about it, intersubjectively objectifying the experience, and then responding to this objectified sedimentation in future similar situations. He continues, pointing to one of the difficulties of this secondary socialization:

> "Experience as a police officer will be of value only if you continually try to improve your own ability."[38]

The general nature of this process has been outlined by Berger and Luckmann:

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[37] Richard L. Holcomb, Police Patrol, Charles C Thomas, Springfield, Ill., 1948, pp. 59-60.

[38] Ibid., p. 60.

> "... only some members of a hunting society have the experience of losing their weapons and being forced to fight with their bare hands. This frightening experience, with whatever lessons in bravery, cunning and skill it yields, is firmly sedimented in the consciousness of the individuals who went through it. If the experience is shared by several individuals, it will be sedimented intersubjectively, may perhaps even form a profound bond between these individuals. As this experience is designated and transmitted linguistically, however, it becomes accessible and, perhaps, strongly relevant to individuals who have never gone through it. The linguistic designation (...) abstracts the experience from its individual biographical occurrences. It becomes an objective possibility for everyone, or, at any rate, for everyone within a certain type (...); that is, it becomes anonymous in principle even if it is associated with the feats of specific individuals."[39]

In a police department, a particularly subtle observation which leads to a good arrest will be passed around quickly. Within five minutes after the new watch comes on, all of them will have heard about it.[40]

Incongruity Procedures[41]

One of the methods used by the police to improve their perception of possible criminal activities is to look for incongruous actions. In order to know what does not fit the regular pattern of events, it is necessary first to know what the regular pattern of events is. The officer who patrols the same beat day after day over a period of years gets to know his entire beat. In the days when walking beats were more widely used, and today in Scotland, according to Banton, the patrolman would check the doors, look for evidences of illegal entry, make sure that ladders were not moved from their regular places, check down the alleys, and in the back yards of the houses on his beat.[42] This pattern is no longer followed very much as most patrol is now done in automobiles. Instead of the incongruity procedures based upon an intimate knowledge of the beat, an officer now uses a number of relatively abstract principles to assess whether a person he comes in contact with has committed some criminal act. Some elements which enter into his considerations are: 1) Late hours. People out at three in the morning are inherently suspicious. 2) Location. Is the person "in place" in his location? 3) Loot. What is the person carrying in that sack? 4) Untruthfulness. Does the person tell the officer lies? 5) Prior record. Has the person ever before been convicted of a crime? Either by own admission or by computer check. 6) Evasive answers. Citizens about their normal business answer in straightforward ways. 7) Attitude. The orientation of the citizen to the officer is often indicative of his past police contacts. 8) Flight. Does the person flee when he sees the officer approach? 9) Furtive actions. Does the person try to "get rid" of something when he sees the officer? 10) Lack of identification. Most people can produce some identification on demand, people who do not want to be identified do not. 11) Appearance. Are the person's clothes torn or dirty? Is he scratched or bloody? Is he wearing working clothes in a middle class area? A car parked in the rain with its windows down may be stolen and abandoned. Are the people at a public affair well and conservatively dressed, or are they unconventional?[43] These considerations, alone and in combination, are used by the officer to determine whether or not something suspicious is taking place.

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[39] Berger and Luckmann, op. cit., p. 64.

[40] Field Notes, not Westville.

[41] This name was given to the technique by Sacks, op. cit., p. 5.

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[42] Banton, op. cit., pp. 40-41.

One consequence of the use of incongruity procedures is that criminal activity which does not produce incongruities of time, location, appearance, or activity is fairly safe from routine police patrol action because it blends into the background. Another consequence of the use of these procedures is that officers do get to know their beats very well and they can often use this knowledge to assist a citizen or to assess what to do with a possibly mentally ill person.[44]

Strategies for Uncovering Evidence of Criminality

If the officer suspects that a crime may have taken place, he may use some strategy to check his suspicion. On a car stop, the driver could produce no identification. The officer had her step out to the front of the car and then went back and asked her companion what the driver's name and birthday were. The companion told the officer, who wrote them down, and then he went and asked the driver what her name and birthday were. When she gave the same information, he was satisfied that she was who she said she was, so he wrote her a citation but did not arrest her.[45]

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[43] Field Notes.

[44] Egon Bittner, "Police Discretion in Emergency Apprehension of Mentally Ill Persons," Social Problems, 14, 3, Winter 1967, p. 289.

On another occasion, a car which might have been stolen and stripped, but was certainly missing some parts, came to the attention of an officer. He suggested that I walk up and down the block looking in the parked cars for parts from the possibly stolen car. When I found a car with some of the stolen parts in it, we knew that a crime had taken place, and that if we didn't have the car strippers, we at least had their car.[46]

There are regular procedures outlined for some situations:

> "If you are still suspicious, ask the driver who the car is registered to and the address, if different from the driver's. Ask him what the trunk contains and ask him if he will open it so that you can check the contents. ... While he is out of the car, ask him what the speedometer mileage is, and what is in the glove compartment. Other questions may be asked, such as where he got his last grease job or oil change. Since most of the service stations affix stickers containing this information, including the mileage at the time the car was serviced, to the left front door post, you can quickly check the answer. An owner of a car will be able to give satisfactory answers to these questions, but a car thief cannot possibly

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[45] Field Notes.

[46] Field Notes, not Westville.

> memorize all these minor details even if he is aware of what questions may be asked."[47]

Knowing that the police are on the lookout for stolen cars, many professional criminals, who used to steal a car to use in a robbery, now rent them in another city several days before they intend to commit the robbery, using a false name, commit the robbery and abandon the rented car.[48] This protects them from most contacts with the police.

Reaction Time Assumptions

There are culturally patterned expectations which apply to the time lag to be expected between some action and its consequent reaction. If the reaction comes at the expected time, no attention is given to the time, all attention is on the reaction. If the reaction comes too early or too late, however, this discrepant event will receive some attention. The attention will possibly not be conscious, it may be a vague feeling that something is wrong, or a relieved feeling that no reaction is forthcoming. The police pay attention to reaction times in a number of situations for a number of ends.

If a person tells a lie in face-to-face interaction and the other person shows no reaction, the liar feels he has gotten away with it.

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[47] Clowers, op. cit., p. 147.

[48] "Rental Getaway Cars," San Francisco Chronicle, March 21, 1967, p. 11.

If a person buys some contraband, such as marijuana, and the transaction goes smoothly with no one being arrested, the feeling is that the police were not aware of it. The same assumption exists with a number of legitimate activities. If one does not complain about defective merchandise shortly after purchase, the onus of demonstrating legitimacy shifts to the purchaser.

Cases exist where the police exploit this assumption on the part of the citizen. In interrogation, the policy may allow a suspect to lie several times until he has hung himself. Then the police officer points out the lies all at once. Or, in undercover work, the agents make several purchases and nothing happens.[49] It is not until later that an arrest is made in connection with a large purchase. If a burglary detective in Westville wants to check whether a suspect has stolen goods in his house, he may send an informant in to check it out. If the police immediately raided the house, the informant would be "burned," that is, his identity would be revealed and he might be killed. So the police have the informant go before a magistrate with his information and they have a search warrant issued. Then they sit on the warrant for a week or more before serving it so that the suspect cannot remember who was in his house the day the warrant was issued.[50]

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[49] Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, pp. 155-151.

[50] Ibid., p. 128

A technique which was tried out by the Westville vice detail required two "special employees" to go into an area where there were street walkers and get a number of solicitations. A vice officer would watch from a distance with binoculars and identify the girls very time the special employees signaled, by scratching their heads, that an offer had been made. The intention was then to go and swear out warrants for "solicitation" which could be served on the girls later. This would keep the special employees from being burned for several weeks, because the girls would not know who had informed on them. Any girl who was not known to the vice squad officer would have her proposition accepted and she would be arrested in the normal manner.[51]

The use of reaction time assumptions as an indicator of mental blocking on a significant association was developed by Jung.[52] The professional use made of Jung's work has been largely analytic, but the police have long been interested in lie detection and have picked up the idea and applied it in a number of situations.

Use of Reaction Time Assumptions to Mislead

The interrogator is admonished not to react:

> "Naturally, the interrogator doesn't show much interest in what the suspect is saying except when he wants to make it

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[51] Field Notes.

[52] C. G. Jung, Studies in Word Association, London, Heinemann, 1918.

> appear that the story previously told him is in conflict with this suspect's story. For example, the point concerning who got the money. To show excitement or interest will only warn the suspect that he should make no further admissions."[53]

Or he tells the suspect that he has given up and later returns to the story:

> "The 'repeat story' technique is one method of interrogation that has been known to work well on this kind of suspect. The essence of this technique is that the officer tells the suspect some of the facts of the crime and then ostensibly 'gives up' on the investigation. A few days later he returns to the same suspect to question him further about some phase of the crime about which the suspect has stated he knows nothing. The investigator might say, "Well you can't say you don't know anything about it. I told you so and so, don't you remember that?" When the suspect then answers in the affirmative, the officer asks him to repeat what was told him. This is the point where the lying suspect will frequently trip himself up. He will tell the officer something that the officer had not told him, thus disclosing that he has more knowledge of the offense than he admitted."[54]

In the first case, the interrogator did not react at the time that anyone else would in free and open conversation. This tended to mislead the suspect into thinking the interrogator was not interested. In the second case, the interrogator let the suspect think that the matter was done with, the suspect presumably relaxed, and when he was off guard, the interrogator came back with his tricky question.

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[53] Richard O. Arthur and Rudolph R. Caputo, Interrogation for Investigators, William C. Copp and Associates, New York, 1959, p. 79.

[54] Clift, op. cit., p. 106.

Attending to Reactions to Assess Guilt

The patrolman is involved in interactions all day long. He often has cause to give citizens orders, or suggestions about a course of action to follow. The officer expects that the citizens will follow his orders reasonably quickly, and, of course, most do. If someone does not respond in this "normal" fashion, it indicates to the officer one of two things. First, there may be something wrong with the person such as being drunk, or drugged or stunned, which would require some action on the part of the officer from arrest to first-aid. Second, the delayed reaction may be deliberate because the citizen, usually a lower class child, is attempting to get the officer mad. There is a maddening pattern common among the Negro children in Westville who come in contact with the police at playgrounds and recreation centers. When they are asked or told to leave an area, they will begin walking away incredibly slowly. They never stop moving, but it might take fifteen minutes to walk a hundred feet. The officer stands and fumes but there is little he can do, they are moving. He interprets this behavior as disrespectful and intentional, and tends to verbally abuse the juveniles later.

Another pattern which sometimes occurs is that someone will react too quickly. A person standing on the street takes off running when an officer shows up. The assumption here is that flight indicates proximate criminal activity.

The officer may also attend to the quality of the verbal presentation made by a citizen to assess his guilt:

> "Occasionally the subject will exhibit an overly friendly attitude, punctuating his conversation with an excess of "no, sir" or "yes, sir" replies. Subjects who tend to be overly solicitous should be regarded with suspicion, as they may be trying too hard to convince the officer of their good intentions. Further interrogation may reveal that the subject uses the word "sir" in excess because of prior prison training."[55]

It is important to realize that the rules given in various manuals allow the police officer to explain any reaction to his presence in terms of criminal motivation. The terms, "aggressive, overly polite, nervous, or cool customer," all are used to describe reactions.[56] The officer might assume the guilt or complicity of each person he talks to in some situations and scrutinize their motivations and their stories with a mind to constructing a warrant for assuming that the citizen is an offender. This sometimes leads to the treatment of an innocent bystander as if he were in fact responsible for a crime, and his naturally nervous reaction, under some conditions, only confirms the officer's opinion.

It has been found in a study of the Westville Police Department's juvenile bureau that the single most important criterion, with the exception of prior record, used by the juvenile officers to determine the disposition of juveniles with whom they had contact was the demeanor of the juveniles.

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[55] Bristow, *op. cit.*, p. 23. This is called "con wise" behavior.

[56] Officer Minderman comments: "Police manuals tend to overgeneralize and simplify their points.

> "In the opinion of juvenile patrolmen themselves the demeanor of apprehended juveniles was a major determinant of their decisions for 50-60 per cent of the juvenile cases they processed. A less subjective indication of the association between a youth's demeanor and police disposition is provided by Table 1, which

Table 1

Severity of Police Disposition by Youth's Demeanor

Severity of Police Disposition	Youth's Demeanor		
	Cooperative	Unco-operative	Total
Arrest (most severe)	2	14	16
Citation or official reprimand	4	5	9
Informal reprimand	15	1	16
Admonish and release (least severe)	24	1	25
Total	45	21	66

> presents the police disposition for sixty-six youths whose encounters with the police were observed in the course of this study. For purposes of this analysis, each youth's demeanor in the encounter was classified as either co-operative or unco-operative. The results clearly reveal a marked association between youth demeanor and the severity of police dispositions."[57]

An antecedent variable which may have had some influence on both the youth's demeanor and on the police disposition is the severity of the offense. It seems to me at least possible that more serious offenders would be more hostile to the police and also more likely to be arrested, but this data is not available in Piliavin and Briar's article. Regardless of this, the officer comes to view those who are unco-coperative as being the sort of juvenile who is arrested. Co-operativeness is not evenly distributed among the juveniles of Westville. One-third of the Negro youths, but only one-sixth of the white youths, observed were unco-operative. Piliavin and Briar point out that this leads to more severe treatment for Negro juveniles, more emphasis on stopping and questioning them, and, possibly, as a self-fulfilling prophecy, the creation of exactly the casual attitude about police contacts which the officers take as evidence of criminality, which becomes a vicious circle.[58] One of the most important elements in a juvenile's demeanor is the way in which he responds to questions. If he pauses for longer than necessary before saying anything, this is taken as an indication that he has had prior experience with the police or is hiding something. Again, the assumption is that the innocent respond spontaneously and the guilty fumble and contrive what they are saying.[59]

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[57] Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," American Journal of Sociology, 70, 2, September, 1964, p. 210.

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[58] *Ibid.*, p. 213.

[59] Field notes.

Creating Situations to Test Reactions

Officers are encouraged to create situations in which they can assess the reactions of a suspect to the sight of the officers. For example, in looking for the car of a prowler, burglar, or car thief:

> ". . . he may give himself away by any one of the following; he may turn off quickly after pulling up behind you; he may refuse to pass you; he may watch you too closely; he may pull away from the curb and drive a short distance before turning on his lights so that no one can see his license plate."[60]

Or,

> "Park in a conspicuous place and he may reveal himself by his actions when he sees you. The previously mentioned quick right angle turn, a "U" turn, or ducking down while passing you are indications of guilt."[61]

On foot or in a car:

> "The reaction to the approach of an officer often indicates a subject for field interrogation. Some subjects who have been involved in a crime or who have criminal records are unable to conceal their apprehension on the approach of an officer. This is particularly true of juveniles, inexperienced criminals, and women."[62]

In these situations, the officers deliberately place themselves so that they can be seen and then watch for suspicious reactions to their presence. In interrogations, they likewise use "set ups" to test reaction time by dropping in significant words and watching to see how the suspect reacts to them.

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[60] Clowers, *op. cit.*, p. 179

[61] *Ibid.*, p. 181

[62] Bristow, *op. cit.*, p. 15.

Interpretation of Common Acts with Attention to their Possible Criminality

One of the most important divergences of the policeman's reality from the everyday reality of other citizens come in the observation of seemingly commonplace actions. These commonplace actions form a background, unattended in the normal course of events, against which significant actions stand out. When the officer pays attention to these routinely unattended actions, he sometimes discovers criminality. For example, if a driver stalls his car, has difficulty shifting, or skids his wheels when stopping, this may indicate that the car is stolen. Officers are advised not to pay much attention if the driver in question is a woman, such behavior is too routine, but, if it is a young man, he should continue watching because the young man may be an auto thief.[63]

If a Westville police officer sees a Negro girl and a white serviceman entering a hotel, he assumes an act of prostitution is in the offing.[64]

On the other hand, if an officer sees an interracial couple consisting of a Negro man and a white woman, it may lead him to suspect that they are carrying or using marijuana.[65] This probably comes from the association of marijuana with bohemian life styles.

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[63] Holcomb, op. cit., p. 84.

[64] Skolnick, op. cit., p. 202.

An officer driving down the street observed a man sitting in the passenger seat of an automobile. While this is not unusual, for some reason his suspicions were aroused, so he circled the block and approached the car on foot from the rear. He discovered an act of fellatio was in progress on the man sitting in the passenger seat by another man lying across the front seat of the car. He arrested them and the story of his acute observation quickly spread around the department.[66]

In general:

> "Behavior which may be regarded as ordinary by the casual observer may be extremely significant to a trained officer. To bring seemingly ordinary conduct into its proper perspective, police officers should be able to testify to the uniqueness of a suspect's actions which are of significance. As numerous crimes are committed with a regular pattern (actions, words, and conduct of a suspect are frequently repetitive in numerous crimes), police witnesses should testify to the singular conduct of a suspect which makes it meaningful and distinctive."[67]

It is perhaps more consequential for the police officer's life that he begins to suspect the commonplace than any other aspect of his secondary socialization. Once the commonplace is suspect, no aspect of interaction is safe, on or off duty.

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[65] Field notes, not Westville.

[66] Field Notes, not Westville.

[67] Larry Waddington, "Stopping and Questioning by Police Officers on the Public Streets," Journal of California Law Enforcement, October 1966, Volume 1, Number 2. The proximate source is a Westville Training Bulletin, p. 4.

> "They suffer from what they call the 'police mind.' One man defined it thus: 'The police mind means that you suspect your grandmother and that's about the strength of it.' Another referred to the police mind as 'a disease of the job.' He said that 'you come to view everything from a police angle so that, after many years in the police, to a degree you become a race apart.'"[68]

In other words, the secondarily socialized everyday reality of the police officer supplants the everyday reality common to the society in which they move to the extent that the police feel themselves to be a distinct "race," or probably more accurately, a foreign culture.[69]

Banton continues:

> "The chief characteristics of the 'police mind' seem to stem from the way a policeman must examine critically every statement made to him. If Smith complains about Jones, Smith's account of what happened can quite well be false while Jones's is truthful. The policeman must not accept Smith's story because he tells it first or because he looks a more credible witness. Policemen must test any statement made to them to see if it has flaws; in their occupational role this is expected of them, but in sociable roles such suspiciousness counts as unfriendly behavior. Probationers say that their parents or wives start to complain about such suspiciousness in leisure-time situations and insist that they leave police matters behind when they take off their uniforms."[70]

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[68] Banton, op. cit., p. 207.

[69] Officer Minderman comments: "Some officers cultivate this being ingrouped and seem to enjoy separating themselves from "civilians."

[70] Banton, op. cit., pp. 207-208.

The response of those closely associated with the police officer is thus to attempt to fight the policeman's tertiary view of reality by segregating it into the occupational role and not allowing it to intrude on their own everyday reality. There are probably two reasons for this. First, any divergent view of reality is uncomfortable to live with for most people, and, second, the police view of reality is particularly unpleasant because it takes as problematic the trust and assumption of honesty upon which everyday social relations are built.

Perceptions and the Range and Nature of Contacts with the Public

A person constructs his expectations of the world around him with reference to his experiences of it. If he has experienced hostility, he will expect that hostility might happen again under some circumstances. If he has experienced trust, he will expect trust sometimes. The range of experiences which people have differs widely. The recluse may have few and quite structured contacts with other people and he may expect that future contacts will follow in the pattern of past contacts, while worrying about the possibility of violence, hostility, love, or hate which are outside of his experience. If I may postulate some dimension of variation of human emotion in interactive contacts, it becomes possible to speak of the range, that is, the distance between extremes, of behavior which people of different categories routinely experience, and the nature, or average, of these contacts along this dimension. Thus some people may have a very narrow range of contacts, or a very wide range, and they may have, as an average contact, a very pleasant, somewhat pleasant, neutral, unpleasant, or very unpleasant type of experience. People in certain social locations, such as outlaw motorcycle gang members, may experience a fairly narrow range of predominantly unpleasant contacts and may construct a world view based on this experience. The average citizen probably experiences both pleasant and unpleasant contacts, but covering a fairly narrow range of emotions, and centered on the pleasant side of the scale. The police officer has an extremely wide range of contacts, almost all on the unpleasant, degraded, hostile, and violent side of the scale. As a man, he may experience love and trust, but as a working policeman, he seldom does. Westley described his contacts thus:

> "On the beat he meets the pedestrian, the drunk, the bartender, the merchant, the prostitute and the priest. In the car he meets the driver, the injured, the family, the thief. As a detective he meets the complainant, the accused, the rapist and the raped. In the court he meets the lawyer, the judge, the politician and the city hack. In the hospital he meets the nurse, the doctor, the insane and the disquieted. Sooner or later he meets them all and finds in them the range of human sentiments and human problems. Mostly he meets them in their evil, their sorrow and their degradation and defeat."[71]

The officer must be able to talk with anyone he contacts using their own vocabulary and adjusting to their level of understanding.[72] He meets juveniles who ignore him, who try to get his goat, who make derogatory comments just loud enough to hear, juveniles who lean on him, cry on his shoulder, and throw boards at him.[73] He meets drunken women with their skirts askew who have assaulted citizens or other officers who tell him:

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[71] Westley, op. cit., p. 98.

> "When I get the fuck through with you, you fucking son of a bitch, you'll be sorry. What the fuck do you fucking mean taking me off the fucking street and putting me in the fucking car. I'll have you for false arrest you mother-fucker. What are you arresting me for? Drunk? I'm not fucking drunk. I'll have your fucking job."[74]

He watches nude girls who have "freaked out" on LSD and listens to them invite him to play with them. He escorts their male companions who run across the street waving the blanket given them to keep covered to the patrol car. He fills out reports listening to the drugged and the drunk, the senile and the incoherent. He talks with people still bleeding from being cut open by their wives, he carries corpses dead many days from one place to another, and he deals with hysterical relatives.[75]

He talks for hours and hours with a girl who has just been abducted, beaten, and forcibly raped repeatedly by two men, trying to get her to calm down and become less hysterical, trying to get the details of the rape so that he will have some chance of writing a coherent report and possibly finding the rapists. Her friends offer suggestions, demand action, and she throws herself on the bed and screams, and screams, and screams.[76] He takes her to the hospital and she refuses to be examined. The doctor on duty is hostile and unsympathetic. Finally the technician confirms the presence of semen, and the case is under way.

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[72] Clowers, op. cit., p. 223.

[73] Field Notes. All have happened to me.

[74] Field Notes.

[75] Field Notes.

In the face of all of this, he usually remains calm, relatively polite, and unemotional. In part, this may be because of a reluctance to open himself to criticism, but mostly it is from inurement due to frequent experience.[77] When a tableau of frightening violence appears before a citizen, when bodies are lying in the street, when everyone is screaming at once, the police officer usually moves calmly through the scene, doing what must be done, and he appears to the upset citizens to be a comforting island of rationality in a mad scene. This is because he has done it all before. He has experienced the violence, the hysteria, the blood and screaming so often that it is merely something which he expects. It is outside of the range and far from the nature of the routine experience of the average citizen, but except for the really unusual, a murder and hara-kiri suicide for example, or several dead children at once, it is well within the range of experience of the veteran officer. Along with this wide experience comes an understanding of emotion, and a sympathy for the injured, but, with the exception of children, the officer cannot be truly involved or sympathetic because he has seen it all too often. He thus apperceives each new complaint against a background that makes it "normal." The everyday reality of a police officer is composed of actions which would horrify most citizens were it to happen to them, and this too sets the police officer off from the public.

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[76] Field Notes, not Westville.

[77] Piliavin and Briar, op. cit., p. 212, report this for Westville juvenile officers dealing with recalcitrant juvenile offenders.

Danger

One of the most important perceptual orientations that the police officer has is his attention to dangerous aspects of various situations. In some cases, a failure to perceive danger is quickly followed by death. The officer is trained to perceive danger in commonplace situations, and sometimes this training leads him to actions that are not called for. The innocent action of an automobile driver reaching up under his dashboard for a secreted wallet with his registration and license may appear, given other circumstances, to be the action of a man reaching for a concealed gun. When the automobilist finds himself looking at the business end of the officer's revolver, he is likely to be somewhat shaken.[78] And yet, officers are killed every year in similar situations when they did not take precautions. The fact that the officer is trained and alerted to danger does not mean that he avoids it.

The police officer's job requires under some conditions that he seek out danger and become involved in it. If a fight is in progress in the street, any citizen not drunk or demented will probably avoid it. The police officer is required to become involved. Where the citizen customarily becomes involved with other citizens through a series of mutual approaches involving discussion and alignment of attitudes, a give and take which can be broken off if unpleasantness appears, and even then only becomes involved with a relatively small number of strangers in the course of his daily round, the police officer unilaterally initiates contacts, abruptly, with many persons whose unpleasantness is manifest. Under these conditions, he has a far higher likelihood of having to face violence than the citizen, and, should he face it, he must not flee. It thus becomes necessary for the police officer to be able to anticipate violence so that he can be prepared to react to it.

In the line-up room of the Patrol Division of the Westville Police Department, a bulletin board about four feet high and eight feet long is covered with wanted posters. These posters are constantly refreshed. Off on the other side of the front wall of the room, in a more prominent position, is a single poster. Its picture is larger than the other posters. It has been there, to my knowledge, for almost a year. The crime of this person is far less serious in a sense than the murders listed on the other wanted posters, but it is given a much more important place. This man "Assaults Police Officers without Provocation," which makes him intensely relevant to police officers. If he appears on the street, he will be recognized and appropriate precautions will be taken.

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[78] Field Notes.

Likewise, when a twenty-year-old boy shot at a police officer, information was immediately developed on all his friends and associates, from Field Interrogation cards filed over the last few years, many copies of his photograph and description were run off and handed to the officers, a complete description of his drug using habits, likely vehicles and hideouts was announced, and the instructions given to the officers at line-up were concise: "get him."[79]

In some situations, the patterns of action are so repetitive that admonitions can be developed which will protect the officer from some of the danger. In car stops, the officer walks up and stands behind the driver so that the driver has to turn around to talk to the officer and the officer can see what the driver is doing with his hands. In felony car stops, the officers write down the license number of the car they are going to stop, inform the radio room which will send a cover car, and make sure that they keep the occupants of the car at the point of a triangle so that the officers can use a cross-fire while the suspects would have to shoot first at one officer then at the other. There are techniques for getting several passengers out of a car one at a time, with their hands on their heads. The general admonition is to "always put the suspect at a disadvantage."[80]

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[79] Field Notes.

The most dangerous situation the officer routinely faces is the arrest of a suspect.

> "The peace officer, unless he has a knack of reading minds, can never tell what threat the arrest represents to the suspect. Although the arrest may appear to be based only upon a charge, simple in nature, the suspect may have knowledge of a much more serious offense. This in turn giving rise to the fear that the "simple" arrest will lead to its extremely more severe consequences."[81]

Since it is never possible to know just what the arrest means to the suspect, the officer is cautioned to take all precautions in every arrest:

> "Every arresting officer should assume, for his own safety, that the person to be arrested is armed and will take the officer's life if given a chance. This rule holds true, moreover, whether the person is being arrested for a minor misdemeanor, or for a felony. It also holds true regardless of

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[80] Field Notes.

[81] Herbert Phillip Vallow, Police Arrest and Search, Charles C Thomas, Springfield, Ill., 1962, p. 12.

> whether the offender is a man or woman, or an old or a young person. A gun is as dangerous in one person's hand as in another's."[82]

This includes approaching the suspect with a hidden gun trained on him,[83] and the development of a "'no' complex" with any prisoner. A "'no' complex" means:

> ". . . once you have determined upon an arrest and have in effect made the arrest, you should allow no privileges to the prisoner. To do other than this is to invite disaster to yourself and your police colleagues.
>
> In police files there are hundreds of cases where policemen lost their lives simply because they allowed their prisoner to go into the bathroom, or to get a drink of water, lock his automobile, or any one of a number of last minute chores. In each case, the prisoner returned with a weapon and killed the officer.
>
> The answer to any prisoner request then should always be 'no' until you are absolutely sure he cannot harm you, himself, or some other person."[84]

It should be obvious that no policeman can maintain this definition of the situation in the face of hundreds of routine arrests. He begins to get careless. But the lesson is reinforced whenever an officer is killed anywhere. A consequence of this is that sometimes civil rights demonstrators are arrested and searched with the same method and coldness as a dangerous felon, and they find it hard to understand because they think it is obvious that they are non-violent. The police officer's training does not allow him to be so casual. On occasion, of course, the officer's political predispositions may cause him to use somewhat more force than absolutely necessary, such as the time when four Westville police officers arrested four anti-war protesters at gun point, who had only dropped leaflets from an airplane. The protesters were charged with "conspiracy to litter," a felony conspiracy charge.

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[82] Clift, op. cit., p. 168.

[83] Clowers, op. cit., p. 7.

[84] Clift, op. cit., p. 171.

In one city, the officers will not leave their coffee unattended for fear that someone will drop LSD in it.[85] In Westville, admonitions have been passed around to watch what is said in restaurants because some civil rights "types" might be lurking with tape recorders to gather evidence to discredit the Westville Police Department.[86]

Finally, the officer is advised to attempt to associate all that he sees with police work, but if he cannot make a specific association to attempt to associate it with danger to himself or others.[87]

Perception of Habits Associated with Criminality

The final way in which officers attempt to structure their perceptions is by making themselves aware of little known facts which are related to criminal activity. By the knowledge of these facts, the officer places himself in the position of being able to develop "reasonable cause" for an arrest when an untrained person would see nothing of significance.

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[85] Field Notes, not Westville.

[86] Field Notes.

[87] Clowers, op. cit., p. 250.

Officers are encouraged to develop a knowledge of clothing styles and their relation to various life habits. It is suggested that this be done consciously because many officers operate on what they consider hunches which actually are readings of minute clues.[88] In addition to the roles revealed by clothing, the officer should recognize the slang used by various communities of offenders, and he should keep up with it, so that he can identify suspects with particular types of deviance.[89]

An officer should also know that coins with nail polish on them may be "house money" stolen from an amusement machine, that a suspect with a card advising him of his constitutional rights may be a communist or a homosexual, that split matches in the suspect's possession may mean he has been in prison, that matchbooks can lead to the suspect's hangouts, that the keys found in his possession may indicate whether he owns an automobile, lives in an apartment or hotel, rents a storage locker, or owns a business equipped with a burglar alarm.[90]

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[88] Ibid., p. 86.

[89] Bristow, op. cit., pp. 31,44.

[90] Ibid., pp. 107-108.

He should also know that a legitimate tradesman will have tools in his kit which are specialized and which are only rarely used, while a burglar will have a certain combination of tools with none included but those necessary for burglary.[91]

At the scene of a fire, he should know that pyromaniacs sometimes show excess emotion or their pants may show signs of recent urination or ejaculation.[92]

There are thousands of other specific evidences of criminality to which the officer can be attuned. The more he knows about the possible illegitimate use of various objects, such as the use of credit cards to open locked doors, the better his position in assessing the moral character of people he suspects of criminal activity.

Organizing Perceptions

Police officers carry notebooks. They spend a large amount of time entering various facts and observations in their notebooks. Some of their entries are simply for accounting purposes, to whom was what citation issued?, who was the complainant, the suspect, what was the offense, and so forth. These may be useful for purposes of testifying in court. In addition to these entries, officers are encouraged to organize their various observations, lists of things to look for, such as stolen property, and other information which might be useful on the street.[93] In addition, a well organized notebook may be used as a weapon to jog the memory of a reluctant witness.[94]

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[91] Ibid., p. 98.

[92] Ibid., p. 16.

The act of writing down facts and observations not only objectifies them but also allows them to be transmitted to other officers or to other situations at any time in the future. Officers are cautioned never to throw their notes away, so, in a sense, each officer writes and objectifies his entire career, or at least the seemingly significant portions of it. The very fact that the notes allow an officer to specify what he was doing on any given day for the last fifteen years, or for how ever long he has been an officer, means that the experiences he has make all the more impact on him. An experience which is not verbalized is sedimented or laid down in consciousness only imperfectly. Verbalizing the experience alters it and makes it more structured and anonymous, but actually going through the effort of composing the experience into sentences and writing it down makes it much more firmly sedimented, thought about, and accessible. This means that in a certain sense the police officer's experiences make more impact on him than they would if he did not write them down, and this means that his secondary socialization to police everyday reality, and the maintenance of the perspectives which flow from adopting a police everyday reality, is aided. There are very few occupations outside of the professions where such complete records of a person's activities are kept by the person involved, and it must have some effect on identity to consciously meditate on one's actions as a customary thing. It is possible, of course, that writing down events itself becomes routine, stylized and non-reflective. Some officers only keep the facts they will need in the cases they are fairly sure will go to court, others keep much more complete records, and it is logical to assume that the impact of the practice will thus be variable also.

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[93] Holcomb, op. cit., p. 10.

[94] Harold Mulbar, Interrogation, Charles C Thomas, Springfield, Ill., 1951, p. 40.

THE CHALLENGE AND GAME OF CRIME

> "You have to play cops and robbers to keep the cops happy. If they asked you, "Do you smoke marijuana?" and you said, "Sure, I smoke pot," it would blow their minds."
>
> -Larry Hankin at the Matrix

Sometimes the violator himself brings his violation to police attention, bringing the tertiary agent into the interactive situation.

An animal somewhat like man appears to have inhabited the earth almost two million years ago. Since the time of zinjanthropus, man has pursued an existance of hunting and being hunted until the very recent past. It is probably only within the last fifty years, and then only in some technologically advanced countries, that man has brought his environment under so much control that it is unnecessary for him ever to exert himself, unnecessary for him ever to strive so hard for anything that he would get out of breath. If one wants to go fast, one uses a car or an airplane. If one wants to build a house, one sees his mortgage broker. If one wants to be warm, one turns up the heat. If one is short of food, one goes to a grocery store and taps the resources of the world. Probably not one American out of four living today has ever killed a chicken and cleaned it for dinner. If one wants to see competition, the television set is always ready to provide it. If one wants exercise, and it is important to realize that this is strictly a voluntary and luxurious want, one drives two hundred miles and skis for four hours, all down hill, between meals and cocktails, or one walks a couple of miles whacking a small white ball while one's clubs are carried by a caddy. It is literally true that if one wishes, he can arrange his life so that he never lifts anything that weighs more than twenty pounds, never walks further than five hundred feet without resting, never shivers, never hunts, never fights, and never kills. It is possible to have a life almost completely devoid of passion, exertion, and emotion. If the life of man in a state of nature is characterized by "continuall feare, and danger of violent death" and is "solitary, poore, nasty, brutish and short," the life of man in a state of affluence is characterized by safety and complacency, and is social, rich, luxurious, long and dull.

Two utopian writers have seen this problem for the future and have come up with solutions to the boredom and ennui endemic to completely automated civilizations. Aldous Huxley in Brave New World suggested that people would be given a Violent Passion Surrogate (V. P. S.) treatment to break the dull routine of their everyday lives.[95] George Orwell suggested in 1984 that violent passion would be released by a "two minute hate."[96] We are currently approaching the degree of automation and sterilization characteristic of these two utopias. Real, legitimate, anxiety provoking, dangerous challenges are harder and harder to come by. Only by traveling to the wilderness or going to war can they even be approximated. And yet, two billion years of struggle and biological adaptation to stress and danger must have left some residual capacity to respond to danger on an endocrinal level. This capacity to respond and the strong emotions linked to violent passion lie uneasily below the surface of civilized life waiting to be exercised. Certainly people who have a chance to engage in violence and danger may learn to like and appreciate the bodily changes brought about by stress, and may come to value danger for the passions and ultimate catharsis which it produces.

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[95] Aldous Huxley, Brave New World, Modern Library, New York, 1956, p. 233.

[96] George Orwell, 1984, Signet, New York, 1950, pp. 12-15.

The police officer driving around in his car is in a particularly vulnerable position. On a dull beat, he may get few radio assignments. He may see nothing. Eight hours of driving up and down streets broken only by routine reports and many coffee breaks, five days a week, year in and year out is very tiresome. Any call which promises action is welcome. The possibility of physical conflict is looked forward to with anticipation. Action of any sort is welcome to the beat man, though the command officers back in the station might prefer the city to be quiet all evening. There is not enough action for most police officers in the routine of patrolling, so they invent perception games to play, or they treat some situations as games.

Treating a situation as a game produces artificial challenges, and artificial rules to follow. The essence of the game situation is that it can't be too easy or you lose the fun. Citizens and criminals also have games they play for excitement, and some of these citizen games also involve the police. On occasion, citizens view the game of "cops and robbers" with the same detachment as they would any athletic event:

> "Indeed, the police sense that onlookers to a crime often view the process of apprehending and identifying a criminal as a sort of game in which both sides--the police and the offender--are given equal odds and from which they, as bystanders, must remain detached so as not to introduce a degree of unfairness by tipping the scales in one direction or another."[97]

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[97] Herman Goldstein, "Citizen Cooperation: The Perspective of the Police," in The Good Samaritan and the Law, ed. by James M.

Police Games of Cops and Robbers

One of the most spectacular games of cops and robbers routinely played by the police is the high speed chase. The actors are the police, the suspect, and the innocent bystander. The game starts when the suspect starts fleeing from the police because he thinks they have spotted his stolen car, because he has just committed a robbery, or because he wants to outrun the cops. The officer gives chase and other officers alerted by radio join in. It is a game because in some circumstances the same results might be achieved by using the radio to block off possible routes of escape with considerably less danger to innocent bystanders. Official policy in Westville discourages high speed chases, but unofficially they appear to be condoned. As one Westville command officer said, "We have five wrecked patrol cars in the yard from high speed chases. You should use your radio. But I've never let one get away from me."[98]

I have been in two high speed chases, one abortive one in Westville in which I was driving a patrol car, and one in another city in which I was riding as a passenger-observer in a patrol car. The latter incident follows:

> We were patrolling down a quiet residential street shortly before ten in the evening. A Mustang passed us and spun its

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Ratcliffe, Anchor, Garden City, New York, 1966, p. 205.

[98] Field Notes.

wheels as it drew along side us. It then ran a stop sign in front of us and we gave chase. At speeds up to eighty miles an hour, we followed him as he ran through five more stop signs. Three other cars were forced off the road in the process of the chase. With red light and siren operating, we followed him for about five minutes through residential areas, business districts, and in and out of a park. We got close enough to broadcast this license plate number over the radio, all the while giving a narrative of the chase so that any other cars in the area could join in. He slowed for a corner and the officer driving the patrol car shouted "we're going to ram him." It later turned out that the patrol car's brakes had faded to the point that they were useless. We hit the rear of his car and careened across the road going through a board fence, smashing a sign and finally ramming a fire plug which stopped our car. As we hit the plug, one of the officer's guns discharged through the floor boards of the patrol car. Then each officer jumped out and fired one shot from his revolver at the departing Mustang. They didn't fire any more as he was crossing a busy intersection. Both shots later were found to have missed his car.

About fifteen minutes later another patrol car jumped the same Mustang, made a U-turn and gave chase. As this patrol car pulled along side, the Mustang swerved into it and tried to force it off the road into a ditch. The officer turned his wheels hard right (a tire burn mark was visible on the Mustang's left rear fender) and spun the Mustang around sideways. With the Mustang crosswise in this position, the officer accelerated and smashed the Mustang into a bridge abutment. The driver of the Mustang got out and swung at the officers, which, under the circumstances, was a mistake.

When we arrived, the Mustang's driver was handcuffed to the other patrol car, his head dripping blood. The officer who had been driving our car took a couple of swings at him but was stopped by the Sergeant who had picked us up. The Mustang was towed, the second patrol car still ran though ours was towed, and the Mustang driver was taken to the hospital. His various lacerations, a result largely of being hit by clubs, took a doctor noted for his speed over an hour to sew up. He was arrested and charged with "Two counts of reckless driving, two counts of assault and battery with an automobile, six counts of running a stop sign, and separate counts of trying to elude police, destroying public property, speeding, and drunken driving."[99]

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[99] Field Notes, not Westville. Also police reports, and newspaper accounts.

It is impossible to describe how exciting such a chase is. I was wound up for four hours afterwards. Once the chase was on neither party would give up until either he got away or we got him. The Mustang driver apparently was out for fun and excitement, he had just bought the car that morning and must have wanted to see if he could elude the police. He may have gotten more action than he bargained for. It is important to note, however, that it was involving for the officers to the extent that they really hated him for the moment while the excitement of the chase lasted. Driving a racing car is a tame experience beside a high speed chase through a crowded city culminating in accidents, shooting, and a fight. A race is structured and relatively safe. A high speed chase is unstructured, dangerous, and real. There are very few opportunities for this sort of action in modern society. I enjoyed it. I suspect that other police officers have reactions similar to mine. This suspicion is somewhat supported by the fact that every officer within range customarily joins in any high speed chase.[100]

In the Westville chase, mentioned first above, when we finally arrived at the scene there were fourteen other units already there.

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[100] Officer John Minderman comments: "I thoroughly enjoy that kind of challenge. In a way, it is right out of the old West. During such an event you are pressed to your limit. The exhileration is unmatched. Such events are thoroughly discussed among officers. Exceptional police "hot chase" drivers are known in the department as "wheelmen."

According to newspaper reports, another recent chase involved patrol cars from five cities and the highway patrol, speeds in excess of 90 miles per hour, a shotgun blast that smashed the rear window of the fleeing car (the falling glass broke both of the patrol car's headlights), a total of more than 20 police cars, and three teen-agers in a stolen car.[101] In this particular case, it would have been more efficient for one unit to have followed at a safe distance and radioed ahead for a road block (which was the way the chase eventually ended) but it would be impossible, aside from issuing direct orders, to have gotten any of the officers involved to break off the chase. The game elements are clear. Following the car instead of radioing ahead makes the situation artificially more difficult, this difficulty raises the danger, and thus the excitement and final catharsis.

High speed chases are one of the most dramatic games played by the police, but there are others. One officer I was riding with made a game out of attempting to catch homosexuals in the act of fellatio while he was in uniform. As he said, "I know I could do it in plain clothes, but this is more fun." We spent about half an hour sneaking around behind bushes and creeping across railraod tracks, only to discover the people we were stalking were a family having a picnic. We later played hide and seek with our marked patrol car, trying to zoom up to rush the women's restroom in a park where he suspected male homosexuals were hiding out. We threw the door open and, fortunately (from my point of view), found no one of either sex in the restroom.[102]

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[101] Westville newspaper report.

All undercover work has certain game elements. Attempting to gather evidence on the solicitations of prostitutes while working in plain clothes has more than most, however. The rules of the game are written by the courts. They are known to both the girls and the officers. The dialogue which goes on has the officer attempting to get the girl to set the price and describe the act for sale, and the girl tries to get the officer to set the price and ask for what he wants. This sometimes leads to strange situations, such as a girl asking "Are you a police officer?" and the officer answering in a joking tone, "Surrre I am, honey," which convinces the girl he is not so she makes the offer and is arrested. Or a girl may be so broke that she goes with an officer in spite of her feeling that he is an officer. Both the prostitutes and the officers, particularly the vice officers, tend to look on it as a game of skill and they expect to win a few and lose a few, leaving the absolute level of prostitution in the city where supply and demand require it.[103]

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[102] Field Notes, not Westville.

[103] Field Notes.

Fights are another area in which games are played. There are some fights which are unpleasant and which result in injury to the officer, but in most cases the officer, and the help he summons, win the fight. It is possible in many situations for the officer to control whether or not there will be a fight by his own demeanor. If he wants to fight, he can "jack the suspect up" by being aggressive, if he does not want to fight, he can usually "cool it" by being quiet-spoken and polite. Many people the police have contact with participate in this game. If they are allowed to walk along to the police car without being rushed or restrained, they will go, balking just enough to give the officer a chance to push them if he wants to. If he pushes, he may well have a fight on his hands. Unless the suspect escapes, however, he will eventually lose the fight. Many officers have commented to me that fights are fun, and that they look forward to them.[104] However, just as with high speed chases, in spite of the fact that they look forward to fights, they tend to denigrate the fighter who gives them the action they are looking for. One officer commented "People who make you fight them are no damn good," about ten seconds after he had commented that he enjoyed fights and high speed chases.[105] It seems to me that in this situation some police officers are afraid to admit to themselves that they simply enjoy fighting and thus must put the blame on the person they are fighting with.

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[104] Field Notes, Westville and other cities.

[105] Field Notes, not Westville.

A final police game involves driving at high speed through the city, running red lights without using the red light and siren, when covering in on any call which could possibly be an emergency. The time saved is usually less than a minute as cars are customarily assigned to calls on their own beats. Driving at seventy and eighty through the city, even late at night, sliding around corners and running lights, provides a certain amount of excitement. It is the hot-rodder's dream, as one officer commented, while we were covering a non-emergency call at sixty miles an hour (no seat belts fastened, they get in the way of quick exit from the car), "Who's going to give me a ticket?"

Citizens' Games of Cops and Robbers

Eric Berne developed the notion of a Cops and Robbers game as being a transaction carried out between criminals and Cops:

> "*Thesis*. Because many criminals are cop-haters, they seem to get as much satisfaction from outwitting the police as from their criminal games, often more. Their crimes, at the Adult level, are games played for the material rewards, the take; but at the Child level, it is the thrill of the chase: the getaway and the cool-off."[106]

He also suggests that each Robber has his *modus operandi* for getting caught, and that he may make it tough or easy for the Cops.[107] He suggests that under certain circumstances a person may decide that he is doomed to die in the chair, and the person may then spend the rest of his life working toward this goal, using someone else as a target to set himself up.[108] At least one police writer explicitly rejects the idea that some delinquency is caused by a desire to provoke punishment and rejection, but he offers no evidence.[109] The definitions of the two writers may not be congruent, however, and they may be talking about different types of behavior.

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[106] Eric Berne, *Games People Play*, Grove Press, New York, 1964, p. 132.

In addition to individual games of cops and robbers, there are games which are inspired by adherence to some group norm. When a group of kids break into a store and steal goods right off the shelves in broad daylight, they are daring the store owner and the police to try to catch them. When kids engage in progressively more serious delinquency in such a way as eventually to be caught, they may be enjoying the chase. The police may be a handy group to test one's manhood against. Having them chase you in a car and getting away is one way.[110] Fighting with them and getting away is another. Being a member of the Hell's Angels and wearing the colors is a permanently established and constituted challenge to the police.[111] On one occasion, my partner and I caught a young man who had just broken a store window and had attempted to make off with some liquor. His hands were badly cut and the handcuffs he was wearing didn't help. As he sat in the car, soaking the back seat with blood, he kept muttering to himself, "I'm a Indian. Indians don't dry."[112] In each of these cases, the interactive transaction with the police has some relevance for the group that the violator is a member of. They gain some stature in their group by doing criminal acts in an open way, daring the police to catch them. As with the Indian, their group membership sometimes sustains them and gives them the courage to face the consequences "as a man."

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[107] Ibid., p. 134.

[108] Ibid., p. 140, footnote 1.

[109] Clowers, op. cit., p. 87. Of course, if a police officer accepted this sort of an argument, it might introduce an element of doubt into his handling of offenders. He would not want to punish an offender if that was what the offender wanted because that would only encourage crime. Thus the argument is inherently threatening to police officers.

A third motivation for playing Cops and Robbers may be to develop a feeling of importance. Marijuana smokers seem to have a need to feel persecuted. They pick up and use a set of terms which are a dead give away for an officer attuned to them. The feelings of paranoia commonly voiced by marijuana users may be a way of saying "What I am doing is important and dangerous. Somebody cares about it and is watching for me." It is not much to have the police watching for you, but it may be better than nothing. This feeling of persecution causes users to act in such ways that they are often caught, for example, they try to throw marijuana out the window when the police are only stopping them for a vehicle code violation. It also lends a certain amount of exictement ot life to think that "agents" are after you and even your best friend may be one.

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[110] I once had a boy brag to me about how many times he had outrun the cops when he was younger. He was quite proud of it. I was in uniform. Field Notes.

[111] Hunter S. Thompson, Hell's Angels, Random House, New York, 1966, passim. Michael McClure, Freewheeling Frank, Secretary of the Angels, as told to Michael McClure, Grove Press, New York, forthcoming, passim.

[112] Field Notes.

Criminal Games of Cops and Robbers

The straight or "con wise" professional criminal does not play Cops and Robbers, and, according to Berne, they look out for players in their gangs and try to get rid of them before all are caught.[113]

A fairly clear example of Cops and Robbers in Berne's sense, which involves acting so as to get caught, is the homosexual who accosts people in public toilets he knows are under surveilance. One reported instance of this type of behavior involved a homosexual accosting a detective in the men's room of the City Hall.[114] A similar incident happened in San Francisco when a just-bailed-out prostitute solicited a police inspector in the Hall of Justice Elevator on the way down to the first floor.

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[113] Berne, *op. cit.*, p. 135.

[114] Cited from Bergler, *1000 Homosexuals*, in Wayne R. LaFave, *Arrest*, Little, Brown and Company, *sine loco*, 1965, p. 465.

Another incident which demonstrated this pattern concerned the gang beating of a man, who later died, by a number of teen-agers. The murder was solved when two of the perpetrators were picked up for something else and said, while sitting in the back of the police car, "I'll bet these cops would give us more respect if they knew what we did at Ocean Beach."

It would be a mistake to think that all, or most, of the activity dealt with by the police falls into the "criminal game" category, or even the "citizens games" category, but some does. This constitutes the third way that tertiary control agents become involved in ongoing situations.

Conclusions

Violations sometimes come to the attention of the police through the complaint of a victim. A complainant usually desires some police action, though he does not always know exactly what action would be best. On occasion, the police can directly carry out the appropriate action and leave the complainant happy, but more often what the officers can do, or feel should be done, falls short of the desires of the complainant. This is a consequence of the public's lack of understanding of the legal, moral, and customary restraints the police feel obliged to recognize. The police, understanding this discrepancy, often disguise the truth of the situation so that the complainant feels satisfied.

Officers may not want to follow through when they feel they are being used for private gain, or for harassment, or when the complainant himself is an offender.

Sometimes, on the other hand, officers find that they have to persuade reluctant complainants to take legal action.

Officers often cannot take legal action because the offense complained of is a civil affair, not an offense at all, a product of mental disturbance or drunkenness. In these cases, the officers usually explain their limitations under the law, but attempt to appear especially helpful to give the impression that something is being done.

Small losses are unlikely to produce much police action, at least not as much as the complainant might desire, so officers "take a report" and say things which are intended to lead the complainant to think that some action will be taken.

Sometimes official action would make an existing situation worse. Officers are reluctant to interfere in continuing legitimate relationships, or to cause unnecessary hardship, by insisting on official action. If the complainant himself makes an arrest the officers feel is unjust, their only recourse may be to use their charging discretion to reduce the seriousness of the offense, though they can often prevent the arrest and solve the problem informally.

The net effect of the procedures mentioned is that the great number of offenses perceived by members of the public are assessed by the police to determine which are good, legitimate, moral complaints, and the other complainants are "cooled out" generally by tact or deceit. This reduces the "crime" input that the police have to deal with, as well as restraining some members of the public from baseless complaints.

Police officers discover many crimes on their own. Police officers see a world of crime. Their training and experience constitute a secondary socialization to a "police everyday reality" which is partially substituted for the everyday realities commonly found in society. Some elements of this reality are that all appearances are taken as problematic, that various senses are consciously used, that certain limits to visibility are accepted, that various games are used to improve perceptions, that "good" perceptions are transmitted to other officers, that incongruity procedures are developed, that strategies for uncovering evidence of criminality in recurring situations are developed, that reaction time assumptions are violated or analyzed, that reactions of citizens to the officer are attended to, that common actions are attended to for evidences of criminality (which leads to the most marked divergence from common everyday reality), that the range and nature of the contacts he sees makes the degraded normal, that danger is seen everywhere, and that many ususual facts are learned which allow the officer to apperceive criminality. All of these perceptual modes and expectations are made more salient to the officer by the fact that he keeps a written record of them in his notes. As with any secondary socialization which differs markedly from the primary socialization, the problem is maintaining the reality of the secondary socialization in the face of pressures to resume the primarily socialized perceptual modes. The fact that police officers live in society with leisure time and non-police contacts, rather than isolated in barracks, cuts down the efficiency of their secondary socialization but keeps them human.

Some crimes come to the attention of the police because they are a challenge. In our routine and somewhat passionless life, excitement can take on a great deal of importance. For the police officer, excitement can be created by playing some situations by game rules which increase the danger or the difficulty. Games are particularly relevant in high speed chases, undercover work, fights, and routine high speed driving. Cops and Robbers games are played by citizens for individual excitement or psychological gratification, and to maintain their reputation in a group, and their group's reputation. Playing Cops and Robbers also can make citizens feel important. In Berne's sense, a relatively small number of criminals play the game so as to get caught, but these do appear to be people who desire punishment for one reason or another.

CHAPTER IV

CONTROL OF THE SITUATION: THE QUICK AND THE DEAD

Situations may be characterized as being predictable or unpredictable, and as involving or not involving the possibility of great gains or losses. In the daily round of activities of most people, the situations are predictable and no great gains or losses are possible. In the policeman's round of activities, some are relatively predictable, but many are not, some are of little consequence, but others can result in his death.

The predictability of the outcome of a social situation seems to depend on five factors.

First, whether the schedule of events is known to ego in advance or not. The starting time and approximate program of routine events is known, singular events may start at any time and may follow any sequence. Many of the situations faced by a police officer are singular events, the starting time is when he gets the radio message, the program is unknown.

Second, whether the actors are known to each other or not in advance. If the actors are known to each other, they have some basis for predicting how the other will respond. Police officers usually do not know the people they deal with to any great extent, and if they do know them, it may only be in a police-contact situation.

Third, whether the specific situation is new to both parties or not. A new situation contains many unknowns, a repeated situation fewer. In their daily round, citizens usually contact the same people, clerks, tellers, co-workers, bus drivers, etc., in the same situations day after day. The contemporary police officer only contacts people in the same situation when he has repeat calls to the same family fight every weekend. For a variety of reasons, civilian daily round activities tend to be homeostatic while police situations tend toward the episodic. If the police contact the same situation many times, they arrest someone to stop it. In general, the specific situation is new for both the officer and the others involved.

Fourth, whether the background elements of the situation are known to ego or not. Knowledge of the background of a specific situation varies from that in a family where a myriad of details are known, to the police situation where only a few background elements are known and crucial ones may be missing. A person stopped for an automobile equipment violation may be a fleeing armed robber who will shoot on sight.

Fifth, whether ego has prior experience in similar situations. Prior experience leads to the development of a variety of tactics to take care of the present situation. In order to know that the situation is similar, however, ego must know something about it. If ego assumes that a situation is similar to another on the basis of insufficient evidence, he may be led into using an inappropriate tactic. In most social situations, this would be termed a faux pas, false step. The consequences of making a false step are usually minor in everyday situations, but may be major for the police officer. Experience as a police officer leads to skill, but perhaps to overconfidence as well.

The gains or losses in a situation may or may not be predictable in advance. Within broad limits, there are expectations about the possible gains and losses associated with various situations. In a daily round of activities, the participants are usually involved in continuing relations with one another and a norm of reciprocity grows to a definition of the situation in terms of levels of rewards or costs to be anticipated. Eric Berne defines some of these transactions in terms of the "strokes" expected by the participants. Good friends give each other many strokes, casual acquaintances may only say "Hi!" to each other, but each set of acquaintances has defined their own situation in terms of the rewards to be expected.[1] If these expectations are violated, they are puzzled or outraged. In most everyday situations, minor gains or losses of self-esteem are all that can be expected, certainly one does not expect his life to be devastated or ended when he greets a neighbor on the street. The police officer in contact with the public may expect only very minor gains to his self-esteem, and the possibility of great lose. The identity of a police officer is so total that any attack on it is tantamount to an attack on his entire being, so the possibility of a loss of self-esteem is not taken lightly. In addition, there are very few other occupations where the possibility of death or injury is an expectation as it is for a police officer. The police officer thus enters a number of situations where he stands to make few gains and where the possibility of great loss, to psyche or soma, is always to be taken into account.

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[1] Eric Berne, Games People Play, Grove Press, New York, 1964, pp. 35-40.

In combination, these two variables form a terrifying pattern when compared with everyday life. The police officer is required to move into highly unpredictable situations on a minute's notice, and in every one of them he stands the possibility of being assaulted, reviled, or killed. Naturally, when there is such a large, relevant, and ambiguous area in someone's life, he will attempt to develop a strategy to bring it under control. This strategy must take into account the unpredictability and seriousness of the situation, and must be geared to the most unpredictable situation with the most serious consequences if it is to be any good at all. For the police officer, a number of specific tactics go to form an overall strategy for gaining and retaining control of the situation.

The police often encounter people in adversary relationships. This is not common in everyday life, but is in war and in certain types of games. Just as soldiers used to try to command the high ground, and a chess player the center of the board, the police officer attempts to keep himself in the best position for offense and defense at all times. He attempts to maintain a positional advantage, in chess terms. Unlike a chess game, which is over in three to five hours, the officer must attempt to maintain the positional advantage all of his working life. As with the other elements of his secondary socialization mentioned in the last chapter, there is a constant battle to keep the definitions of the situation learned in primary socialization from taking over. If a police officer begins to feel that the situations he encounters are routine and predictable, and he fails to take the precautions that unpredictability requires, he may well be killed, "...it takes only a fraction of a second of inattention to provide a means for a suspect to gain control of the situation."[2] As one book on the techniques of arresting suspects warned:

> "All of us like to be liked; this is human nature. In dealing with other human beings we frequently if unnecessarily attempt to secure their "good graces."
>
> In contradiction to this, the arresting officer must never forget that, no matter by what name it is called, an arrest is an act that deprives an individual of his liberty. This is supported from a professional perspective (and definitely a safety perspective) by the cardinal rule that once an individual is

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[2] Herbert Phillip Vallow, Police Arrest and Search, Charles C Thomas, Springfield, Ill., 1962, p. 55.

> arrested no favors or special requests are to be granted.
>
> In the movies or on television the "gruff old cop with the heart of gold" depicts entreating melodrama. In reality the arresting officer has only to violate or forget this rule one time and the resulting cost can be his life.
>
> Too many occurances of this violation resulted in the deaths of otherwise capable policemen who have "just this one time given the guy a break." No departure from this policy is ever warranted."[3]

Even should a situation not result in the death or injury of an officer, it may result in acute embarrassment. Such was the case with two police officers who walked into a robbery in progress and managed to lose control of the situation to the extent that the robbers shackled them with their own handcuffs and got away with the loot.[4] They will be a long time living it down with their fellow officers. It is to prevent situations such as this that various techniques have been developed to control the situation.

Controlling Situations on the Street

The uniform which an officer wears helps to control many situations all by itself. In directing traffic, for example, it is usually all that is needed. The clearly marked patrol car serves the same purpose. In those situations where all that is required for compliance is identification of the officer, the uniform serves well. In many situations the uniform and conspicuous patrol car:

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[3] Ibid., p. 12.

[4] "Red-Faced Cops Get Revenge in San Bruno," San Francisco Chronicle, November 24, 1966, p. 6.

> "...impresses the criminal and minor offender and places them at a psychological disadvantage which makes them less likely to resist. A policeman is something more than a physical human being because he has the moral backing and the complete resources of organized society to aid him in the execution of his duties."[5]

The importance of the uniform may be seen when the difficulties which plain-clothes officers sometimes encounter are examined. The plain-clothes officer appears to have no particular authority to the suspect or to the bystander. This may lead the suspect to attempt to out-wit or out-fight the officer. The bystander may interpret the resulting fight as one between private individuals, and thus not intervene. If a plain-clothes officer approaches a suspect with gun in hand without clearly identifying himself, it is possible that a jury would accept the suspect's defense that he shot and killed the officer in self-defense, not knowing he was an officer but thinking his life was in danger from some unknown adversary.[6] So the officer should start every arrest by identifying himself as a police officer. This, of course, is taken care of by the uniform.

An incident which I have heard of from a police officer but which I cannot document also illustrates the importance of the uniform.

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[5] O. W. Wilson, Police Administration, 2nd ed., McGraw-Hill, New York, 1963, p. 245.

[6] Vallow, op. cit., p. 21.

> "Several plain-clothes officers wearing working clothes were on a stake-out watching a suspicious location. A citizen who observed them thought that they looked suspicious, and called the police. Another group of plain-clothes officers were the first on the scene, running with their guns drawn. One group apparently opened fire on the other and they had a shoot-out in the street. Apparently one officer was killed by a fellow officer."

This incident reputedly took place in a large city where it is possible that all of the officers would not know one another.[7]

The authority of the uniform alone is not sufficient to control many situations which the police encounter, so the police officer is fitted out as a weapons system with a variety of weapons useful in various situations. An officer will routinely carry a .38 caliber revolver and spare ammunition, a 12 to 14-inch truncheon, club, or baton, a flashlight, handcuffs and key, call box key and a whistle, a notebook and pen, a citation book, an arrest book, and possibly a two-way radio. In addition, he may carry a spare gun, a "come-along" or "bear's claw," brass knuckes, a blackjack, a confiscated switch-blade knife, a palm sap, a cannister of tear gas or a more potent chemical agent depending on his own preferences and the rules of his department. His uniform and equipment belt are so designed that he will have both of his hands free all of the time in spite of his load of weapons. They do tend to weigh him down, however. My uniform, which does not include a radio or any additional weapons, weighs almost twenty pounds.

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[7] Officer Minderman comments: "I know of close calls similar to this."

In addition to these weapons which are carried on his person, his patrol car may well contain a shotgun loaded with four rounds of "00" buckshot (9 . 32 caliber pellets per round), additional ammunition, a 26" baton, a riot helmet, a small law library, copies of the department's regulations, forty to fifty types of report forms, flares, blankets, first aid equipment, chalk, measuring tape, a two-way radio, red light and siren, and a "hot sheet" of stolen cars and license plates. The officer will also be backed up by a technician's car which contains the equipment for scientific crime analysis and photography, and possibly extra weapons. In addition, in Westville there is a:

> ". . . Departmental Emergency Equipment Vehicle (which) contains various logistical support items for use during emergency situations. The categories of items assigned to the unit are arms and ammunition, chemical agents, electrical and communications equipment, first-aid and safety equipment, office and miscellaneous equipment."[8]

If these heavy weapons are not sufficient, there is always the National Guard, other police departments, and the Army. The police do not intend to lose control of the situation for long, indeed, they cannot and retain their function as tertiary social control agents.

The individual officer has little need for these heavy back-up weapons in most situations. He may put his patrol car through a very thorough shake-down, testing all the lights and the brakes, accelerating it and sliding around a few corners at the beginning of his shift to make sure he knows it and its peculiarities.[9] He may carry, as some officers in Westville do, a "hold-out" gun and/or a switchblade knife for use should they lose their service revolver in a fight. But generally the weapons and equipment in the standard uniform are sufficient for most situations. The "hold-out" gun has been suggested for many istuations:

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[8] Westville Police Department General Order.

> "The number of officers killed each year while approaching motorists or pedestrians for routine interrogations indicates that the patrolman should assume every person he encounters may be armed. Many experienced officers carry a small pistol in their jacket or trouser pocket. This type of weapon may be held in the hand, concealed in the pocket or by the notebook, and is ready instantly for use should the situation require it. If the subject is revealed to be legitimate, he need never know that the officer was grasping a pistol during the entire conversation."[10]

An aspect of the physical situation which has long been recognized as important is the physical size of the police officer. In Westville, the minimum height is 5'9", and this is generally true for most police departments. Larger officers seem to have less difficulty in controlling the behavior of suspects than do smaller officers. The small officer may be assaulted because he is small, or he may need to be overly aggressive to feel that he is in control of the situation.

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[9] Field Notes.

[10] Allen P. Bristow, Field Interrogation, Charles C Thomas, Springfield, Ill., 1964, p. 25.

Banton mentions a case:

> "It was interesting to note how easily one of the officers apprehended people: he was a big man, 6 ft. 2 in. tall and about 230 lbs. in weight, and he had only to say to someone, 'Come on, get into the back of the car,' to be obeyed quietly - it scarecely took half a minute."[11]

I have also found size to be important in my own experience. In uniform, I stand 6 ft. 7 in. to the top of my cap (6 ft. 9 in. wearing boots) and weigh 250 lbs. I rarely have to do any more than request what I want in an even and serious tone of voice to have it done.

Skolnick states that the street patrolman uses his authority when he perceives arrogance or hostility on the part of the citizenry, often without the power to actually impose legal sanctions. He suggests that authority is exercised to reduce the perception of danger. He continues:

> "Whether or not he has actually been delegated such authority may be open to question, but it is not an important consideration for the street policeman. For him the uniform constitutes authority, and he is usually willing to back up a challenge with all the force he can command."[12]

It seems to me that this use of authority and force can best be understood if one realizes that "arrogance or hostility" is interpreted by the police officer as a threat to his control of the situation because it indicates a lack of primary or secondary control. It may be, in fact, that he over-reacts either in an individual instance or habitually, and that he uses his authority in an unjustified manner. It is empirically true, however, that arrogant and hostile people are more likely than humble and polite people to cause the officer trouble, and his response may be to find some law which fits some elements of the situation which gives him the authority to remove this irritation. There are a number of ways which have been suggested for dealing with potentially dangerous situations without using overt authority. For example, the officer should attempt to establish a common ground of understanding with the suspect, he should not attack when the suspect is poised for combat, and he should engage in small talk to veer the situation away from a confrontation, according to O. W. Wilson.[13] In addition to these tactics, the officer's manner may be important.

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[11] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, p. 61.

[12] Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, pp. 89-90.

Some people's voices convey authority, others do not. Officers are advised in some manuals to practice developing a "command" voice to use in controlling situations that require it.[14] It should not be used until it is apparent that it is needed, however, as it is better to approach most situations with a "cheerful and friendly tone."[15] The conscious use of various tones of voice constitute one of the more important controls of situations. If the officer's voice and demeanor are well adapted to the situation, it is unlikely that he will have to use other techniques, such as force. The demeanor of the officer is important in establishing a definition of the situation. If his manner, appearance, attitude, and actions convey an image of judgement, firmness, tact, and self-control, the suspect often will respond in a calm manner.[16] I have seen a situation where the officer would have probably succeeded in arresting his suspect had he not shouted "You're under arrest" long before he had control of the suspect, giving the suspect time to plan his actions to avoid arrest, hit the officer in the face, and run away. Had he asked the suspect to step over to the car, and talked with him to calm him down, he probably could have arrested him without a fight.[17]

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[13] Wilson, op. cit., p. 193. These points may be easier to think of when writing books than when faced with an uplifted knife.

[14] Raymond E. Clift, A Guide to Modern Police Thinking, 2nd ed., W. H. Anderson Co., Cincinnati, 1965, p. 169.

[15] Bristow, op. cit., p. 26. One officer suggested that this is not a proper demeanor for a police officer, but OK for Santa Claus.

Making it clear to the offender that the officer is "in command" of the situation is seen as very important as it discourages resistance.[18] Conveying this idea is so important that even excesses are condoned as being better than losing control:

> "Going after his revolver too soon is an evidence of nervousness on the part of the officer, although it is not one that is

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[16] Vallow, op. cit., pp. 9, 11.

[17] Field Notes. It is always easier, however, to second-guess a situation than it is to do it right the first time.

[18] Clift, op. cit., p. 168.

> likely to encourage the offender to make a break for it. On the contrary, it will often put great fear in the arrested person. This is all right, of course, if the officer stops there."[19]

The officer leaves himself open to criticism if he often has to arrest people with a drawn gun, because he should be able to structure the situation so that it is unnecessary. In addition, the use of a gun makes the situation much more serious. If the offender is a misdemeanant, the officer cannot shoot him anyway if he runs away; if he is a felon, it may encourage him to use mortal force himself.[20]

Force

> "...in any argument a fellow Angel is always right. To disagree with a Hell's Angel is to be wrong--and to persist in being wrong is an open challenge. ... When you get in an argument with a group of outlaw motorcyclists, your chances of emerging unmaimed depend on the number of heavy-handed allies you can muster in the time it takes to smash a beer bottle. ... "Our motto, man, is 'All on One and One on All.' You mess with an Angel and you've got twenty-five of them on your neck. I mean, they'll break you but good, baby.""[21]

Though somewhat more restrained by legal requirements, the police are no more interested in a "fair fight" than are the Hell's Angels. Both are interested only in winning, and both will use all the help available. The major difference is that when the police use force it is generally legitimated by society, and when the Hell's Angels use it, it is not. On the whole, the police must restrain their use of force to those situations where popular morality upholds it or the legitimacy of their monopoly may be called into question.[22]

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[19] Ibid., p. 170

[20] Officer Minderman comments: "And if the felon uses "mortal force" and you don't have your gun out?"

[21] Hunter S. Thompson, Hell's Angels, Random House, New York, 1967, pp. 71, 72.

According to the Westville Police Department, which is functioning within the limits established by state law, there are five occasions on which an officer may discharge his revolver. These are:

1. At an approved range.
2. When killing seriously wounded or dangerous animals when other disposition is impractical.
3. When necessary in the defense of their own lives when all other reasonable means have failed.
4. When necessary in defense of another person's life when all other reasonable means have failed.
5. When necessary to effect the capture of, or prevent the escape of, or rescue of a person whom the officers have reasonable cause to believe has committed a felony, except for felony violations of the Vehicle Code, when all other reasonable means have failed.

Killing a person under any of these conditions is considered justifiable homicide, or justifiable homicide by a public officer, under the state's Penal Code.

There are three occasions where an officer may not discharge his revolver, according to Westville's rules:

1. You will not fire a warning shot.
2. You will not fire at moving or fleeing vehicles involved in violations of the Vehicle Code, including felony violations.
3. In all misdemeanor cases.[23]

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[22] Suggested in a manuscript of J. Richard Woodworth.

[23] Field Notes.

The entire area of the use of mortal force is actually much more vague than the official rules would indicate. These rules were formulated to exist within the limits of the Penal Code but they provide mere guidelines for the circumstances under which an officer may use his revolver, not prescriptions for when he has to. In every individual case, the decision of whether or not to fire is up to the individual officer, and though he may be legally exonerated, he may have to live with a feeling of guilt for a long time.

Force, at any level, may be avoided by a skillful officer on many occasions by the use of persuasion. Should force be necessary, however, the police officer is officially admonished to use only "necessary" force to accomplish his lawful ends. He must first try to restrain his opponent. Failing this, he may use his truncheon. Should this prove inadequate, and the offense is still a misdemeanor, he is legally empowered to go no further. Should the offender have become a felon in the process, for example by committing a battery on the officer, the officer can then legally proceed to the use of mortal force. A great portion of the training of any police officer is devoted to the use and abuse of his various tools of violence. The truncheon, according to the book, should never be used on the head of an opponent, but should be used on the opponent's arms, legs, collarbone, and shoulders, in various specified places. This is recommended because of the possibility of killing an opponent.[24] On the other hand, the advice of an experienced police officer to my training class reflected the personal experience of a man who had been in street fights, and not the abstract prescriptions of a text:

> "When the beef is on you don't have time to look for one of the good points, hit anything. If you have to use the baton, just use it once."[25]

This, of course, opens the officer to the possibility of killing a person later found to be a misdemeanant. The realities of force are harsh. Many people have asked me why an officer did not shoot someone "in the legs" or "shoot at the tires" of a car instead of killing the offender. There are two reasons which make these nice gradations of force impossible to apply in most street situations. First, the revolver, even in the hands of a good shot, is an extremely inaccurate weapon under the best of conditions. Second, as a consequence of the inaccuracy of the weapon, and as a deterrant to its frivolous use, officers are instructed to shoot only to kill. "Shoot at the abdomen, not the head or limbs."[26] Just as with the baton, the possibility of making a mistake is great, and the formal rules only seem to cover the street situation.

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[24] Norman L. Clowers, Patrolman Patterns, Problems, and Procedures, Charles C Thomas, Springfield, Ill., 1962, p. 13.

[25] Field Notes. Officer Minderman comments: "An accurate appraisal." Another officer commented that nothing slows a fighter down more than blood running down into his eyes.

[26] Field Notes. The "10 ring" is in the middle of the abdomen on police targets.

For example, after reading the instruction not to fire at a moving vehicle (May not discharge, Rule 2), the instructor said: "If your partner gets killed in a hit-and-run and the car is getting away, you forget all about this horseshit."[27] No rule, however complex, can cover all of the possible situations an officer may face on the street, and in the final analysis, he must do what his conscience dictates to him. So long as officers are armed and their use of force is legitimated under any circumstances there will be mistakes, mis-applications, and accidents. The officer's personal passions may well influence his activity in these grey areas, as in the case of the fleeing hit-run car, or in the case where he has been under personal attack: "I want you to become good shots. If a guy shoots at you, I want you to kill him."[28] Even if a mistake is made and someone killed who was not fair game because he was only a misdemeanant, the street situation may provide non-legal legitimation which will prevent the police officer from being seriously dealt with: "If you shoot a lousy bastard, there will be no particular outcry."[29]

Any set of rules which are grounded in tertiary social control reality and applied to interactive social control reality will necessarily be inadequate to the extent that the first reality is not in point-to-point correspondence with the second. The rule that deadly force may only be used in situations which involve a felony violation of the Penal Code is unusually discrepant in many cases. Felonies are not all crimes of violence, and many crimes can be either a misdemeanor or a felony. The legislature writes laws and assigns the penalties for their violation. A felony is any violation which carries a punishment of death or imprisonment in the state prison. The legislature in many cases has imposed felony penalties for crimes which are not at all dangerous. This has no particular ill-effects in the legal system, it may be seen as concrete expression of customary concern over some problem which is felt to be sufficiently serious to warrant imposing prison terms on the offenders. But the effect for the police is to provide the officer with a warrant to use deadly force for a crime which was no danger to himself or to others. Additionally, the legislature has taken some dangerous behavior fairly lightly and has provided only misdemeanor punishment for violations which could result in the death of an officer or a citizen. Some of the discrepancies between the legal rule that deadly force may only be used for felonies and the commonsense or street rule that deadly force should be used to counter deadly force may be seen if the two rules are cross-classified:

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[27] Field Notes.

[28] Field Notes.

[29] Field Notes.

	Dangerous	Not dangerous
Felonies	Murder, Robbery, Burglary, Battery, Assault with a deadly weapon, train wrecking	Sodomy, oral copulation, possession of marijuana, abortions, counterfeiting quicksilver stamps, sale of pornography (with prior)
Misdemeanors	Drawing deadly weapon, shooting from a public road, failure to yield to emergency vehicle (high-speed chase)[30]	Automobile registration violations, spitting, littering, kosher law violations, shoplifting

The fact that many common crimes may be punished as felonies or as misdemeanors means that the officer may be in the position of having to make a judicial determination before he can shoot. The police respond to this ambiguity by routinely assuming that any crime with felony penalty provisions, no matter how rarely enforced, is a felony and justifies deadly force.

The one exception to this policy of assuming that any felony violation justifies the use of deadly force, to my knowledge, is the rule of the Berkeley, California Police Department that an officer is justified in shooting "in situations involving an armed felon who is known to the officer to be dangerous."[31] Previously, Berkeley had operated on the basis of California State Law which permits the shooting of any escaping felon whether armed or not.

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[30] Officer Minderman comments: "Of all, high-speed chases should almost be a capital offense. Victims are innocent, police are powerless to stop or quit; to do so would be a complete surrender of an officer's obligation."

[31] "New Police Restrictions on Use of Firearms," Berkeley Citizen, November 4, 1966, p. 3.

Fortunately, the use of deadly force is relatively rare. Most officers who use force at all usually are involved with hitting suspects with their hands or truncheons while attempting to arrest them. A piece of practical advice is for the officer to cover himself in any situation where he must hit someone:

> "If at any time it is necessary to hit a man, with anything, for any reason, arrest him. Such an assault and battery by an officer is legal if it is reasonable force used during the course of a legal arrest. However, should you not arrest him, he can have you arrested for assault and battery and can sue you, the police chief whose agent you are, and the city, county, or state for which you work."[32]

The interrelations between law, police customs, morality, and street situations are complex in all areas of police work. The use of force is no exception. In most cases, the force used is legitimated by the situation and most reasonable men would agree that it was not excessive. In some cases, the police officer looks to law to justify, after the fact, an action which was possibly unreasonable. In some cases, an officer depends on police custom and solidarity to protect him from the consequences of an illegal and unreasonable use of force. In yet other cases, he relies on the moral character of the prisoner or of the deceased to provide justification for his use of force. Some situations are fairly clear-cut, but many are not, and in these unclear situations, the personality of the officer and his mood on that day is probably at least as important as any legal rules, customs, or abstract systems of morality.

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[32] Clowers, op. cit., p. 185. An officer commented: "The cardinal rule, recognized by all, "charge them with resisting an officer.""

The Internalization and Acceptance of the Possibility of Killing Another

The training of a police officer is oriented toward the killing of men. Although most people in our society never have to think, realistically, about the possibility and consequences of killing another, police officers do. The targets that policemen shoot at are outlines of men, not bull's eyes. Every aspect of weapons training is designed to make the officer a deadly shot under any conditions.

> "He should in practice, every time he pulls the trigger, visualize in his mind that he is firing at a target that shoots back. In this manner the reflexes of drawing, aiming, or firing a gun at a human target becomes an instinctive, automatic reaction."[33]

Part of the difference between a police officer and a soldier is revealed in this unsoldierly incident mentioned by George Orwell from his experience in the Spanish Civil War:

> "At this moment a man, presumably carrying a message to an officer, jumped out of the trench and ran along the top of the parapet in full view. He was half dressed and was holding up his trousers with both hands as he ran. I refrained from

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[33] Colonel Rex Applegate, Crowd and Riot Control, Stackpole, Harrisburg, Penn., 1964, pp. 294-295. Officer Minderman comments: "It can never become instinctive and automatic."

> shooting at him. It is true that I am a poor shot and unlikely to hit a running man at a hundred yards, and also that I was thinking chiefly about getting back to our trench while the Fascists had their attention fixed on the aeroplanes. Still, I did not shoot partly because of that detail about the trousers. I had come here to shoot at "Fascists"; but a man who is holding up his trousers isn't a "Fascist," he is visibly a fellow-creature, similar to yourself, and you don't feel like shooting at him."[34]

The unusual nature of this incident is that the "humanity" of the target came across even a hundred yards away, causing Orwell to hold his fire. For soldiers, the humanity of their targets is rarely manifest. For police officers, it usually is. Most of the people shot by police officers are shot from a distance of less than a hundred feet, often from less than twenty feet. An example of the personal nature of such a confrontation was provided by Officer John Minderman:

> "I can recall facing a murder suspect armed with a .25 caliber automatic. I had a shotgun. I thought, "Must I spot him the first shot?" Legally I did not have to. As it turned out, I did not have to fire, but I had resolved myself to it and had taken up squeezing the shotgun trigger when the circumstances changed."[35]

On many occasions, the officer will have seen the individual before, he may even know him. These factors make his decision to shoot more difficult.

> "The decision to shoot at a person is tantamount to a decision to kill, since police aim at the abdomens of their adversaries.

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[34] George Orwell, "Looking Back on the Spanish War," A Collection of Essays, Anchor, Garden City, New York, 1954, p. 199.

[35] Personal communication.

> The only persons other than police officers who are required to decide whether to kill or not are judges, whose decisions are strongly governed by legal criteria as well as other considerations, and military personnel, whose individual decisions are usually rather simple--shoot at the people who are wearing a different uniform. Military personnel individually are far more likely to be following rather specific orders and to be under the direct control of their supervisors. Police thus occupy a unique position with regard to the continuance of human life."[36]

It was my experience, although I have no way of knowing whether other police trainees also had it, that after the first two sessions of firearms training, devoted exclusively to the techniques of killing men, I began to have dreams in which violence and killing played very large parts. The effect of the training was to create an entire new mental category for me, a category which had never before been relevant, of situations which could or must be resolved by the use of violence. In the dreams which followed firearms training, I began to fit more and more everyday situations into the "violent solution" category. I think that I was testing out and exploring the dimensions of this new possibility not only on a conscious legal-moral level but also on a subconscious level as a part of the process of internalizing the elements of a very divergent secondary socialization. These dreams continued to occur for a period of two months on and off. Towards the end of this period, I apparently had come to grips with the problem of violence and the identity crisis caused by its internalization, and I stopped having these dreams. A change in my way of putting things had become apparent in my everyday conversation, one which was parallel to that caused by my Army service. This change reflected the new mental categories which had resulted from the training and early experience with the police. After further experience, violence ceased to be a problem as it became increasingly clear that the necessity would only arise rarely, and that I would be in control of my own decisions when the need did arise.[37]

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[36] John H. McNamara, "Uncertainties in Police Work: Recruits' Backgrounds and Training," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, p. 191, footnote 24.

The violence of the police world is not uniformly distributed either in time or in job assignments. Many young, active officers are in almost constant contact with violent people while many older officers have few such contacts. The possibility exists for all, however, and when the chips are down, the police officer will do anything necessary to win the fight. Here is a set of instructions from a book on riot control:

> "Once an opponent has been downed, the rest of the job should be done with the feet. This can be accomplished by a toe kick to the temple, throat or armpit area, or by driving the back edge of the heel into the ribs, face, heart, stomach, throat,

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[37] It seems to me that this incident illustrates both the value and the dangers of adopting the participant-observation mode which I did. On the one hand, it produces data which may be critical and which are completely inaccessible by any other means. On the other hand, it involves the researcher and does things to him which many might want to avoid. On balance, I favor the method because it seems to me that the insights are worth the costs.

> kidney or groin areas. The back edge of the heel is much more effective than the whole flat of the foot inasmuch as all the force is concentrated in a small sharp area, thus getting more penetration. When using the feet for the _coup de grace_, it is best to stand at one side and use one leg only as the striking weapon, retaining balance on the other leg. If you jump on the opponent with both feet, as some methods advocate, there is always danger of losing balance in case of a miss caused by movement of the opponent."[38]

The presence of instructions such as this seems to legitimate the use of a particularly unsporting kind of violence, which, of course, is legal for a police officer under the appropriate conditions.

A "culture of violence" grows in police work. The use of force is an accepted solution to many problems, and officers are rarely criticized by other officers for using force. The two exceptions to this general rule arise when an officer either uses such excessive force that it is apparent to all that he has over-stepped the police mandate, and when an officer has to use force in many situations which could have been taken care of non-violently. Police officers do not see their use of violence as anything unusual; one reason is that the public they contact is also a violent one. As one officer said: "Police brutality? Sometimes it happens. After all, the second half of 'policeman' is 'man', and men do things like that."[39] Many police officers carry pistols when they are off duty. In some cities it is required, but in Westville it is up to the individual officer. Whatever its merits for plainclothes, off-duty police work, carrying a pistol in a variety of social situations must provide a temptation for its use in secondary rather than tertiary control given certain provocations. Police officers thus sometimes get in shootings in bars, or finish a family fight by shooting their wives. They also get involved in heroic intervention in ongoing crimes, sometimes at great risk to their lives, and one such involvement will justify to many the practice of carrying guns off duty.

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[38] Applegate, _op. cit._, p. 408.

[39] Field Notes.

In discussing the use of force or violence in the arrest of suspects with police officers, one very common response is for the officer to relate a story in which the use of force was clearly justified. Any officer who has been even reasonably active will have at least one experience when he was assaulted without provocation by a suspect he was trying to arrest, and he will bring up this incident when the legitimacy of the police use of force is brought into question. To a certain extent, this begs the question, as few people question the right and duty of a police officer to defend himself when attacked. It is these incidents, however, which provide the symbolic legitimation for the culture of violence. These incidents allow the officer to think of himself as being in a potentially vulnerable position which justifies the use of violence on many other occasions.

There are some officers who never use force. Unless they are incredibly lucky, or assigned to desk work, this probably indicates that they have been doing little police work. One officer I talked with had drawn his gun only once, seventeen years ago, at the explicit direction of his sergeant, in his nineteen years as a police officer. For the last seventeen years, he has been riding a three-wheel motorcycle writing parking tickets. Aside from the people in these situations, most officers will have to use force at least a couple of times a year.

Force and Solidarity

The occasional necessity to use coordinated force puts heavy strains on the solidarity of police officers. An officer must be able to depend on the entire police team. This is often cited as the reason that one police officer will not ticket another. Whenever a radio call is heard for a potentially dangerous incident, a number of cars show up simultaneously. They may then be organized to control the situation. An incident which recently took place in Westville illustrates this situation and its solution:

> "During the early morning hours of darkness, two officers were dispatched to a home in East Westville to investigate a family disturbance. Upon arriving at the scene, they encountered a middle-aged couple who stated that their nineteen-year-old son had been drinking and had chased them from the house with a knife. While the officers were talking with the parents on the sidewalk, the suspect emerged from the house armed with a shotgun and fired one shot which narrowly missed

> the officers. As the suspect's parents fled, the officers took cover behind their police vehicles and the suspect fired two more shots at them from inside the house.
>
> The officers used their police radios to immediately request additional assistance. A sergeant and additional police units responded and the house was surrounded. Several more shots were fired by the suspect at officers in front of the house and at neighboring houses.
>
> The suspect was contacted on the telephone by a communications dispatcher who attempted to talk him into surrendering, but he refused. A command officer who had arrived at the scene also attempted to convince the suspect to surrender but he refused and continued to fire at the officers.
>
> When it was determined that tear gas would be used, units with additional equipment were called to the scene. A tear gas projectile was fired through the front window into the house and the suspect's brother, who had been in the house, ran out the side door and was escorted to safety. The officers at the front of the house were directed to return the suspect's fire while additional projectiles were fired into the house.
>
> Shortly after the third tear gas projectile had been fired, the suspect threw the shotgun out of the front window and surrendered by walking down the front steps with his hands up. He was then arrested for attempted murder."[40]

Not only did the arrival and firepower of a number of officers ultimately control the situation, but the force used was carefully controlled and measured to the situation. No one was hurt. After a spectacular shoot-out such as this, the lessons to be learned are not allowed to simply pass along through the informal network as they would be in a smaller police department, but the incident was carefully analyzed and suggestions were made in the form of a Training Bulletin of ways to improve police performance should a similar situation arise in the future.[41] Not every officer gets involved in such incidents. The younger and more active officers ponder whether they will still be able to work effectively when they are near retirement and have a large family to think of. Thus, many of those who are involved themselves can find an excuse to keep from condemning an older officer who does not respond to a trouble call quickly enough. Should an officer respond, however, and not support the other officers through a failure of nerve, this is likely to be reflected in the other officer's evaluation of his moral worth. No one wants to be left exposed by a human failure. It is partially for this reason that police reserve officers are negatively evaluated by regular officers. Their reliability in a fight is doubtful.[42] The reserve officer, though he may be courageous, has not the constant practice and experience in overcoming his own fears which would make him effective and reliable in street fights.

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[40] Westville Police Department Training Bulletin.

[41] This sharing of experience is a definite advantage to a new officer. Should a situation somewhat like the one mentioned above

External Solidarity

The solidarity, or support, that police officers give to each other allows each man to function more effectively because he is being

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arise, he will start out with a fair notion of what he should do and what other officers are likely to do. The suspect, on the other hand, usually shares his experience with no one who is likely to have a shoot-out with the police, so each new suspect comes into the situation naive and without plans, and each officer comes in with a definite notion of what he is to do. This gives the police an advantage which, along with their organization, firepower, communications, and training, practically guarantees that they will prevail.

[42] Banton, *op. cit.*, p. 61. And Field Notes.

backed up, and he knows it. Solidarity in a police department means more than standing side by side in the face of physical danger, it also means lying for your fellow officer in court, or covering up for him when he is under investigation by the department itself. This solidarity, often blind, is given to the other officers as men, as individuals, not because they are good, honest, or moral men, though they may be, but because one never knows where trouble or danger will strike and one must be able to count on the unhesitating support of any officer nearby.

> "If two men have to go into a house containing a man who is suffering from some mental disorder and threatening people with a gun, it is essential for each one to know that the other is backing him up."[43]

The first evening I worked as a police officer a radio call assigned our car to a disturbance at a predominantly Negro high school. When we arrived, we could see that some vandalism had already taken place, a glass door had been kicked out. A variety show in the school auditorium had been oversold and three or four hundred angry teen-agers were rushing up and down the halls trying to break in. There were seventeen hundred more teen-agers inside the auditorium. Our job was to clear the halls and get those three hundred angry teen-agers outside. A total of six police officers cleared the hall in about fifteen minutes. But in that short time, I came to several realizations. Most important was that I felt no one there, except another police officer, was going to help me if I were being mobbed, that if I got separated from the other officer, I would probably be mobbed, and those kids didn't care a bit about who I was or what I was doing, because I was wearing the uniform of a Westville cop.[44] I began to see some of the advantages of keeping friendly with the other officers. Out of situations such as this, repeated time and again, grows intense solidarity.

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[43] Ibid., p. 113. Officer Minderman comments: "Men know that in today's circumstances even the finest, morally uncorruptable, officers can become the victims of a single mistake or oversight or political whim."

Police officers think of themselves as loyal comrades. They mentally rehearse what they will do if a 940B call, "Officer needs HELP," comes over the air. As one officer put it, "When you hear 940B, all the stops are out. You GO."

Perhaps the ultimate demonstration of reflex solidarity comes when an officer has been murdered. The reaction of the other officers is immediate and possibly violent. Westley quotes one officer:

> "If he killed a cop, I'd beat him with a two by four. I'd break every bone in his body. Put him in the hospital for six months."[45]

This immediate reaction is tempered, especially in the much more professional West coast departments of today, by many restraints.

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[44] Field Notes.

[45] William A. Westley, The Police: A Sociological Study of Law, Custom and Morality, unpublished Ph. D. dissertation, University of Chicago, 1951, p. 220.

Still, there is no more serious crime in the mind of the police officer than the murder of another officer.

Banton points out that other factors are at work which temper blind external solidarity:

> "Like members of the better American forces, Scottish policemen feel rather ambivalent about occupational solidarity. They would like to stand by their colleagues unquestioningly but know that they cannot do so. In many situations they identify themselves with the public as well as with the policeman, for they are out of uniform themselves for many hours a week. As citizens they want the police to be 'theirs' and not the servants of some distant authority. This was the feeling that caused one keen and successful police officer to remark in discussion, 'The natural born policeman should be strangled at birth.'"[46]

Internal Solidarity

Internal solidarity can often be found in hierarchical organizations where there is a difference of interests between those on the lower levels and those higher up. Police departments have some characteristics which tend to reduce this internal solidarity, such as the united front which the organization usually presents to the public in the face of criticism, and the fact that all of the executives, or command officers, were once patrolmen.[47] Even so, the performance demanded by external solidarity, never testify against a brother officer, never get a fellow officer into trouble, is often transferred into the relations between the patrol officers and their commanders. There are three areas where internal solidarity may be seen.

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[46] Banton, op. cit., p. 118.

[47] Officer Minderman comments: "As patrolmen become Lieutenants and higher, they become increasingly detached from the "working cop." Lieutenants and higher are pretty well sealed awav from street work. In an apparent search for executive status, Lieutenants and higher disassociate with workers and their problems. Years inside puts them out of touch. Lieutenants and Captains who refrain from "executiveitis" are held in highest esteem by patrolmen."

One of the most important evidences of solidarity is not to inform on an officer when he breaks a rule or the law. In 1930, August Vollmer wrote:

> "Eradication of disgruntled agitators, incompetent policemen, police crooks, and grafters takes much time since it is next to impossible to induce police officers to inform on each other. It is an unwritten law in police departments that police officers must never testify against their brother officer."[48]

Westley found that the informer was shunned and kept out of the regular interaction patterns of the police department. When the "stoolie" comes over where other officers are talking, they change the subject.[49] Further, the backing for this rule of silence is similar to that behind external solidarity: you must be able to count on your fellow officers in many situations, and if he will turn you in for one violation, he may turn you in for another.[50] A job which often requires bending the law in order to enforce it also requires honor among law-benders if the whole enterprise is not to crumble.

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[48] August Vollmer, United States National Committee on Law Observance and Enforcement, Report on the Police, Washington, Government Printing Office, 1930; quoted in Westley, *op. cit.*, p. 6. Officer Minderman comments: "An officer who is put through the "wringer" in a departmental inquiry and won't cop out is held in highest esteem by his fellow officers."

[49] Westley, *op. cit.*, p. 196. Officer Minderman comments: "An informer might expect overt hostility, bordering on physical attack."

[50] *Ibid.*, p. 192.

The second area in which solidarity is shown is in the development of relatively formal production norms. In many areas of police work, there is no way to assess the competence of an officer. One of the most commonly used ideal standards, absence of crime on his beat, is very hard to measure, and, in any event, for many types of crimes, is not directly related to his efforts. No supervisor can make an officer work or see things if he does not want to. Anything which produces paper work can be measured, however, so the natural tendency of supervisors is to pay attention to those indicators of production which produce paper. One of the most common of these is citations for moving offenses. In Westville, there are apparently two different norms which operate, one for the solo motorcycle traffic officers, and one for the patrol officers. The traffic officers are expected to write two tickets an hour on the average.[51] The patrol officers, who are assigned to other duties beside traffic enforcement, are expected to average one ticket a day. As they put it, "A ticket a day keeps the Sergeant away."[52] Even in other, less measurable, areas the newcomer is introduced to the norms of the group and he may restrict his activity for fear of being called "eager" by older and less energetic officers.[53]

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[51] Skolnick, op. cit., p. 55.

[52] Field Notes.

The third area in which solidarity is important is in relation to investigations of misconduct by the department's own board. Actually, in a sense, this is external solidarity as the complaints before the department's investigation board usually come from citizens, and the department has the board largely to ward off pressure for a Civilian Police Review Board. Nonetheless, the officers in Westville are not happy with their own board. In a recent case, officers accused of brutality to a prisoner appeared with attorneys before the board and the "welfare" association paid the attorneys fees. The findings of the board are treated with contempt by the officers. After reading off a list of investigations of complaints, about a quarter of which were sustained by the board, the Sergeant in charge of line-up wadded up the report and tossed it into the wastebasket with the comment to the assembled officers, "That's where that belongs."[54] The Sergeant thus demonstrated his solidarity with the men who worked under him, and their collective distaste for any review of their actions.

Force as Interpersonal Power

The discrepancies between systems of tertiary formal rules and the secondary realities of the street situation mean that there are large areas where the officer must innovate his own solutions to the problems he faces. In this regard, he is similar to the combat soldier, who is also bound up in a structure of bureaucratic rules which may not apply to the actual combat situation. Morris Janowitz stated it thus:

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[53] Bristow, op. cit., p. 122.

[54] Field Notes.

> "The combat soldier, regardless of military arm, when committed to battle, is hardly the model of Max Weber's ideal bureaucrat following rigid rules and regulations. In certain respects he is the antithesis. The combat fighter is not routinized and self-contained. Rather, his role is one of constant improvisation, regardless of his service or weapon. Improvisation is the keynote of the individual fighter or combat group. The impact of battle destroys men, equipment, and organization that need constantly to be brought back into some form of unity through on-the-spot improvisation. In battle the planned division of labor breaks down."[55]

Some of this innovation may well be used to carry out the officer's own desires. In those areas where the rules are ambiguous (and most areas either fit this situation or, with a little creative interpretation, can be made to fit this situation), the temptation to use the legitimate-in-other-situations force potential in service of the officer's needs arises. Colin MacInnes put it this way:

> "To exercise power delights most temperaments and corrupts all but the best. But often this power seems muted because it appears impersonal--the man who wields it may not see its

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[55] Morris Janowitz, Sociology and the Military Establishment, Russell Sage Foundation, New York, 1959, pp. 37-38. Officer Minderman comments: "Once again, the intangibles which make a good officer. The ability to function in this manner is difficult to measure on paper. It appears that many police executives have the ability to pass civil service promotionals, but limited, if any, ability to function as line combat executives able to lead and organize to the situation.

> direct effects on hundreds of fellow-creatures. But a copper does see this and sees it constantly. In this sense a policeman's power is greater than a prime minister's and more perilous to his soul."[56]

This interpersonal power may be used to carry out the spot punishments of persons who, in the officer's opinion, are unlikely to be sufficiently punished by the legal process.[57] Force has also been used to coerce respect:

> "The use of force is necessary to protect yourself. You should always show that you are the boss. Make them respect the uniform and not the man. Suppose you are interrogating a guy who says to go fuck yourself. You are not supposed to take that."[58]

A similar notion was mentioned by a veteran Westville officer speaking of the techniques of field interrogation:

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[56] Colin MacInnes, "The Criminal Society," in The Police and the Public, ed. by C. H. Rolph, Heinemann, London, 1962, p. 100.

[57] Field Notes, not Westville. In over a year of working in Westville, I have only observed two instances of what I considered excessive force being used. In one case, I know nothing of the circumstances which preceded the rather mild manhandling of a prisoner in transport except that almost the entire police department was on duty taking care of the riot from which the prisoner had probably come. In the other instance, a man who refused to be arrested had his arm twisted painfully behind his back. I think he might have gone along without continued pressure, but then, he might not as he was quite drunk and difficult. In Westville it appears to me that the method of preference for taking care of obnoxious suspects is by being extra careful to think of all possible charges to file, and by being quite complete in the report of the incident so that a conviction will be obtained. This is a consequence of bureaucratic rationality and professionalism. There are instances of unjustified brutality in Westville, and officers have been found guilty of brutality in departmental investigations, but, on the basis of my own experience, these instances seem fairly rare. Officer Minderman comments: "An accurate, fair appraisal."

[58] Westley, *op. cit.*, p. 207, quoting a police officer.

> "Sometimes when we were interrogating a guy on the street we would have to pull out the club and bop him on the head to get his attention, then we could talk to him."[59]

He went on to point out that this was no longer done, and to caution us against following his example. Force is sometimes used out of a great frustration and anger. One Westville motorcycle officer told me of an incident where he had lost his temper:

> "I was directing traffic and this convertible full of kids came right at me. It swerved and brushed by me so close it almost hit. As they went by one gave me the finger and the driver shouted "fuck you, copper," so I turned around and threw my flashlight at him. Hit him in the head. I shouldn't have done it, but it sure felt good."[60]

There are undoubtedly many such incidences which never become topics of conversation. The smallness of the amount of excessive force which I have witnessed may reflect one of three things:

1. Possibly excessive force is used quite rarely and my observations merely reflect this.

2. Possibly officers only use excessive force when they are with a trusted partner, and since I rotate partners (and am a Reserve Officer) they might have been inhibited.

3. Perhaps my own demeanor and size make the use of force less necessary than might be the case were I more aggressive or smaller.

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[59] Field Notes. Officer Minderman Comments: "Past tense and probably way in the past."

[60] Field Notes.

I am inclined to believe that the first possibility is the most likely as I have ridden with an out-of-state police department in plain clothes and saw more force used in two evenings than I have in Westville in a year. In addition, the assignments I have been given in Westville are always to the most active and violent beats, with the youngest and most active officers. Perhaps excessive force is like a mirage, the closer you get to the situation the less you see of it. The Westville Police Department has a popular reputation for excessive force and brutality, based largely on cases which, for a variety of reasons, never seem to come to court. Perhaps many incidents I have been involved in where the level of force used seemed to me quite proper have gone down in folklore as instances of brutality, but, of course, I have no way of knowing this.[61]

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[61] I have dealt with this apparent discrepancy at such length because it is the most serious one I have encountered in this research. On the one hand, many people who live in Westville firmly believe that the Westville police are brutal neanderthals who get their kicks out of beating Negroes. These are people whose judgement I usually respect, some of them are lawyers in criminal practice in Westville, others are political activists. Possibly the stories which circulate are based upon the selective perception and reportage of the suspect, who is unlikely to dwell on his own intransigence which may have contributed to the situation. Some of the stories are undoubtedly justified. But I just don't see it. Against these stories, I have my own experience which indicates that most officers are conservative but apolitical, quite restrained under strong provocation, bigoted but non-discriminatory (except in underenforcing the law in the ghetto), and not given to senseless violence. Given this choice, I must go on my own experiences rather than the popular conception.

Force as A Weapon to Get Results

Force has often been used to get results quickly and easily. The traditional and most widely-known use of force was in the third-degree. This involved beating a prisoner until he confessed to a crime. This is no longer done as it has become the quickest way to lose a case known to man. In general, wherever force has been used instrumentally and the courts have made it non-instrumental, the police have ceased to use force in those situations. It has not always been without a sense of regret, however, As one out-of-state police chief told me:

> "When you could beat prisoners in the station, they would tell you everything before they even got here, because they knew what they were in for."[62]

An officer in the same department suggested that there were still uses for a little force strategically applied:

> "Take storehouse breakers (commercial burglars) for example. They are just looking for an excuse to tell-all. You hit them just once and in their own mind they feel it is justified to tell-all and implicate their partners."[63]

The "Good guy-bad guy" interrogation technique is probably the closest that most police departments now come to the use of force to extract confessions. This technique involves one officer verbally and psychologically pushing the suspect and the other officer around, so that the suspect comes to sympathize with the polite officer and confesses to him. Even this technique would probably not be used in an important case since the Miranda decision. The police have used force against prisoners with discrimination in the past, applying it to those without influence and power, and I suspect that a similar pattern remains somewhat true today. One officer said to Westley:

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[62] Field Notes, not Westville.

[63] Field Notes, not Westville.

> "It depends on the guy. On some guys it won't do any good. On others a good slap is the best thing to make them talk. But the policeman don't (sic) beat up a guy just for the sake of beating him up. Take a fellow like yourself now. They would never beat you up. But take a guy from the slums. He is tough. Sometimes you need a little slap to loosen him up."[64]

Once, when I was working in plain clothes, the vice squad officer I was working with said that should a certain situation arise they would rough me up "to make it look good," but since the situation did not arise, I have no idea of the extent of violence used in such a situation.

There are practically no instrumental uses of force left, given the exclusion rule (which excludes evidence illegally obtained) and the level of force seems from all accounts to have dropped radically from earlier times.

Force and Danger as Fun

The idea has been developed that police officers often create situations which are dangerous because of the excitement which can be obtained. A similar motivation can sometimes be found with regard to the use of force. Westley interviewed an officer who would "egg" a suspect on until he made a remark for which the officer could justifiably slap him. Then, if he fought back, he would be arrested for resisting arrest.[65]

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[64] Westley, op. cit., p. 216. Officer Minderman comments: "Seems a bit strongly put."

Skolnick found in a survey which he took in the Westville Police Department that half of his (224) respondents would like the job of detective and 37 per cent would like adult street work (patrol and traffic). He interprets this finding as indicating that

> "confining and routine jobs are rated low on the hierarchy of police preferences, even though such jobs are least dangerous. Thus, the policeman may well, as a personality, enjoy the possibility of danger, especially its associated excitement, even though he may at the same time be fearful of it."[66]

In the symbolic world represented by the newspaper to the public, the police officer is occasionally a villain, occasionally a fool, but, if the proper conditions exist, sometimes a hero. Some action is necessary for the "hero" image to be sustained. There are just so many drowning people to be saved, and the firemen rescue most people from burning buildings, so the police officer usually depends for his symbolic heroism on his contacts with criminals.

> ". . . to adequately play the part of deliverer or avenger it is necessary to have a strongly defined concept of the aggressor,

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[65] _Ibid_., p. 204. Officer Minderman comments: "Very little of this."

[66] Skolnick, _op_. _cit_., p. 47.

> traitor, or public enemy, against whom to draw one's sword. Where a villain is poorly defined, military morale, insofar as it depends upon role-taking, is likely to be weak. How, it may be asked, can one whole-heartedly play an underdog if one's opponent is not conceived as a bully, or be a martyr for liberty unless one's fight is against a tyrant?"[67]

Thus the dangerous criminal assumes a symbolic importance all out of proportion to his occurrence in police work. In a recent series of bravery awards made in San Francisco, fourteen of the seventeen awards were to officers who had engaged and overcome armed opponents, the other three were to officers who had prevented suicides. There are a great many dangerous incidents which do not have the symbolic value of an armed madman subdued in hand-to-hand combat, for which police officers are rarely cited, such as high-speed chases, and walking into dark buildings at night to see if a burglar is inside.[68] But the legitimate use of force against a worthy adversary is both personally and symbolically rewarding.

Force as Protection

A final use of force in police work is simply as a protection against the dangers of the job. Some police manuals recommend that police officers be separated when they are no longer physically fit enough to act as a young man would.[69] This is to be done "in the best interests of the job." The extent of the problem may be seen when the statistics on injuries to Westville police officers from handling suspects are examined. For the last five years, there have been injuries which average around 12 per cent of the total police department every year from handling suspects. Even this figure is misleading because it does not take into account all the command personnel who are not exposed, the special details, desk jobs, and routine assignments which do not expose the officer to this danger. Of course, some officers are probably injured more than once a year, but, on the average, the level of injuries which is sustained provides a constant justification to the officers for the use of force.

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[67] Orrin E. Klapp, "Heroes, Villains and Fools, As Agents of Social Control," American Sociological Review, 19, 1, February, 1954, p. 61.

[68] Ernest Lenn, "17 Cops Win Bravery Awards," San Francisco Sunday Examiner and Chronicle, 9 April 1967, p. 10, section II.

Controlling Situations without the Necessity of Using Force

Potentially fatal situations are fairly rare. Many day-to-day situations must be taken care of, however, and tactics have been suggested for many of them.

One problem which faces patrol officers driving around in their cars is that they lose contact with the public. It is difficult for a patrolman to engage a person in casual conversation if he has to stop and park his car first. If he cannot engage in casual conversation, the suspect is alerted and will be on his guard. Thus a police officer may drive past the suspect, park his car and appear to be using a telephone, or checking a door.[70] Then when the suspect walks by the officer can ask him a question and begin an apparently casual conversation which will be steered to disclose the identity and purposes of the suspect. If the suspect has a legitimate reason for being in the area, the officer will let him leave none the wiser that he has just been interrogated.

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[69] Clift, op. cit., p. 50.

A similar problem arises with suspects in automobiles. It is impossible to stop an automobile and appear casual about it. Additionally, an officer can only stop an automobile when he has reasonable cause to believe that a violation has taken place. Thus when a car with suspicious occupants passes, the officer cannot stop it unless he can observe some violation. This is no trick at all. Any officer knowledgeable in the various equipment requirements of the vehicle code can stop from one third to one half of the cars he sees for equipment violations alone, and by following it for a few blocks, he can usually find some moving violation if all the equipment appears to be in working order. Newish cars, driven by middle-aged, middle class people in a lawful manner are the most difficult to find a cause to stop, but they are also the least likely to be doing things to excite the officer's suspicions in the first place. If the person appears to be legitimate, the officer may let him off with a warning if the violation was not serious. If he wants to interrogate the driver further, he can look for additional violations while keeping up a conversation, and perhaps getting permission to search. One incident, which involved a deceitful approach, has been mentioned to me in conversation.

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[70] Bristow, op. cit., p. 21. Officer Minderman comments: "A "bad guy" would have dumped any contraband while Bristow's patrolman is playing games with doors. If he looks bad enough to "take on," do it directly and without playing around. Expose yourself unnecessarily to the suspects view and you blow any chance of nailing him with the goods."

> "An officer saw a car which he was fairly sure contained several stolen television sets. The driver was inside a store, but would shortly return. The officer had no time to get a search warrant, so he reached under the rear fender and pulled the brake light wire loose. He then drove a short distance away so that he could observe the car. When the driver returned, the officer followed the car and stopped it for defective brake lights. The officer accosted the driver in an offensive manner and managed to "raise him up," get him angry enough to take a swing at the officer. Then the officer arrested him for "resisting a public officer in the discharge of his duties" and searched the car, including the locked trunk containing the television sets, as a "search incident to a lawful arrest."'"[71]

Of course, to make such an arrest stick, the officer would have to perjure himself should the details be inquired about.

When talking with persons on the street who are not under arrest, the officer must deal with the fact that they are perfectly at liberty to walk away should they desire to do so. In order to keep them from doing so, the officer will keep their identification documents in his hand until "ready to dismiss the subject."[72] A technique often used in Westville is to keep the driver's license clipped under the officer's tie clip. Not only does it detain the suspect, it provides identification should he flee, and it gives him something to worry about, keeping him from giving his full attention to the nuances of the situation.

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[71] Converstion with Fred Templeton, not regarding Westville.

[72] Bristow, _op_. _cit_., p. 88.

Very often, in order to control the behavior of someone in a situation, it is necessary to mention the legal sanctions which will follow if he does not do as he is told. The way in which the legal sanctions are made relevant is related to the degree of understanding attributed to the suspect. Thus suspects are not told that they will be put under arrest for disturbing the peace, or whatever, they are told, "If you don't get dressed and get out of here in two minutes, you are going to jail."

If a scene is somewhat confused and there are a great number of people milling about, the possibility of panic or hysteria always exists. Accidents generally draw large crowds who get in the way of emergency vehicles responding to the accident. Well-meaning but aimless people "rubber neck" and get in the way. The situation can be brought under some control if the more active persons are given simple tasks to keep them busy. Thus an officer might have one person direct traffic, another call an ambulance, and a third keep the rest of the crowd back. In family fights, there are usually relatives verging on the hysterical whose interruptions make the solution more difficult. I usually suggest that they feed the baby, if there is one, or take the children into another room "so they won't get upset." This allows the officer taking the report to work in relative peace and quiet, gives the relative the feeling of being useful, and involves them so that they don't get in the way. On occasion, the situation is out of hand when the officers arrive. When this is the case, the only thing to do is to attempt to remove the hysterical persons in an ambulance, or to separate the people involved and talk it out.[73] Egon Bittner gives an illustration dealing with a similar situation but involving mental illness:

> "In direct dealings with the patient the policeman tries to establish and maintain the pretense of a normal conversational situation. All of the patient's remarks, allegations, or complaints are treated in a matter-of-fact manner. Policemen do not attempt to suppress or eliminate the absurd and bizarre, but rather leave them aside while concentrating verbal exchanges on the ordinary aspects of things. By this method every situation acquires a certain sense of normalcy."[74]

In the street situation, no detail is too small to take into account. For example, in dealing with suspects where there are two officers and one suspect, or one car full of suspects, the officers are advised to take positions such that the suspect or suspects cannot attack them both at the same time. Thus one officer will stand in front of the suspect while the other stands to the side or rear.[75] In car stops, one officer will approach from the driver's side while the other remains with the patrol car on the opposite side. When an officer is working alone at night, he may call out to an imaginary partner to "stay with the car" thereby hoping to convince the suspects that they are covered by two officers.[76]

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[73] Field Notes.

[74] Egon Bittner, "Police Discretion in Emergency Apprehension of Mentally Ill Persons," Social Problems, 14, 3, Winter, 1967, p. 289.

Control of Situations Through Electronic Communications

A man in his natural, unaided state is capable of seeing others clearly at a distance of up to a mile. He can make out details of the other's facial movements at thirty to forty feet, about eight feet is the most comfortable distance for semi-public interaction, and three feet is most comfortable for conversation. A man can hear clearly what another has to say in most situations at a distance of perhaps thirty to forty feet. At distances of over a hundred feet, verbal communication begins to break down. A man can touch what he can reach, he can smell what is close, unless it is a very pervasive order from a factory or something else large. He can taste only what is in his mouth. These boundaries of perception are biologically structured and have been the limits of man's perceptions for most of his history on earth.

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[75] Clift, _op_. _cit_., p. 107, and Field Notes.

[76] Field Notes. This is one reason many officers prefer two-man cars.

A man carries these limits around with him and structures his life and interactions routinely to take account of his capabilities. A large part of our cultural patterning of behavior is dependent on these understandings of our limits. The variation between one man and another is not great when seen in terms of the extensions of sense possible by using electronic media. Even the most keen sighted man cannot make out facial expressions at a distance of five miles, but he can watch a television program which originated on the other side of the world. The same holds for hearing. From these two senses, sight and hearing, we get most of the information that we use to organize our world and communicate with one another, and these two senses have been extended by the electronic media.[77]

Men still routinely act within these biological limits to their perception in everyday life. The police, however, have routinized the use of radio in their working life. What this means is that in all their other senses they abide by the same limits as the people they deal with, but their hearing has been extended so that they can hear a whisper at five miles. They have warped one dimension of perceptual space, bringing themselves into instant auditory contact with each other over an entire city, while leaving the other perceptions alone. It is as if they all had their heads together all of the time, listening, consulting, and talking with one another. The impact of this on their behavior is enormous.

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[77] Edward T. Hall, The Hidden Dimension, Doubleday, Garden City, New York, 1966, discusses man's perceptions and their cultural structuring. His charts on pages 118, 119 are particularly relevant to distances. Marshall McLuhan, Understanding Media, Signet, New York, 1966, develops many of the ideas of media as extensions of man.

> "When information moves at the speed of signals in the central nervous system, man is confronted with the obsolescence of all earlier forms of acceleration, such as road and rail. What emerges is a total field of inclusive awareness. The old patterns of psychic and social adjustment become irrelevant."[78]

Being able to contact any other officer at any time alters the importance of hearing in the hierarchy of senses. A much greater than normal amount of information is taken in and given out verbally. Sight becomes less important, at least in the communications between officers. Written orders may be handed out at line-up, but there is no routine transmission of written orders by messenger to officers in the field, all of this is handled by radio transmissions.

> "The use of any kind of medium or extension of man alters the patterns of interdependence among people, as it alters the ratios among our senses."[79]

A change in action structures follows from this availability of instant information transmission and city-wide contact. Whereas the officer has always before been out of touch for long hours and, as a consequence, he has had to operate on slim or defective information, he can now arrange a face-to-face consultation with his sergeant at any time. Or he can inquire about the proper law to use in charging a suspect while he is still in the field and not have to take the suspect back to the station himself to find out what charge to use. He can inquire what form he should use for a particular type of report, and he has available the collective wisdom of every police officer "on the air" in the city to help him make his decision. If several cars are covering in on a "burglary in progress," they can coordinate their actions without ever seeing each other. An officer can arrange a road-block in front of a car he is pursuing.

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[78] McLuhan, ibid., p. 103.

[79] Ibid., p. 91.

A most important consequence of the consultative feature of radio is that in a big, busy city, the same officers may not be sent to the same problem twice. If the second officers arrived cold, they might contradict the first officers' instructions, or walk into a potentially dangerous situation. Radio allows the police to appear to citizens somewhat omniscient. One evening my partner and I had been assigned to a family fight. A husband had been beating his wife. After some discussion, a consensus was reached that if the husband would leave for the night with a friend of his, his wife would not arrest him or sign a complaint for beating her. We left with the husband and saw him drive away with his friend before we resumed patrolling. Later in the evening, as we were going off duty, we heard the radio room assigning another unit to the same address, same complainant. We went on the air and told the other unit what to expect in the situation, and that we had told the husband that if he returned that night he would be arrested.[80] This allowed the other unit to attend to the call knowing, 1) that there was no point in trying to achieve a consensual solution, it had been tried and failed, 2) that the husband was potentially dangerous (he was a semi-professional boxer and drunk), and 3) that the participants had been informed of the consequences of their actions in advance. The other officers could thus attend to the situation with far fewer uncertainties and could arrest the husband without much discussion. The impact on the citizens in this case has to be imagined as we went off duty before the resolution of the problem, but, in general, the reaction I have observed is one of surprise and compliance when a second set of officers shows up knowing all of the relevant facts of the case. Citizens are generally impressed and sufficiently cowed to cause no further trouble, possibly because they assume that if the officers know so much they must also have help readily available.

The Microwave Peyton Place

Listening to the police radio for eight hours a day builds an image in the mind of the officer about what life in the city is like. It keeps him interested because he knows just what his friends are doing all over the city and he can see the relation between his work and that of others. It also leads him to certain assumptions about the people he has to deal with.

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[80] Field Notes.

> "It is through the radio that they obtain most of their assignments. Hours will go by with absolutely nothing happening and then everything will break loose. They will start out with a shooting at such and such an address, a reported robbery at another, a family quarrel at a third. This is the action to which the men look forward through monotonous hours of driving up and down the streets. Through these hours the radio is the only break in the little world of two inside the car--the radio is their link with the larger organization both from a physical or action perspective and in a personal psychological sense. Through it they are in contact with the action of all the other cars and they listen with half an ear to the reports of the life in the city as it is presented to them in its disorganized and more sordid aspects. This picture of life in the city is of importance to them since the year-in year-out repetition of what happens in the city works a powerful alchemy on the way in which they themselves picture it. Life and the city become cheap and sordid through the lens of the radio--and it is to this characterization that they begin to react."[81]

In Westville, it is possible to build up a set of expectations that will be confirmed repeatedly without ever being assigned to one of the calls simply by listening to the radio. For example, it is commonly assumed, and my experience confirms this, that every time there is a rock-and-roll show at the municipal auditorium that is aimed at a Negro audience there will be a series of purse snatches by male Negro juveniles in a certain area of the city approximately a half-hour before the rock-and-roll show starts. The assumption is that they are snatching purses in order to get money to attend the show. On one occasion while I was working at the auditorium, five such cases came over the air in less than ten minutes. My partner commented that this always happened.[82]

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[81] Westley, op. cit., p. 64.

It is the sordid nature of most of the radio transmissions that lead one officer I was working with to call the police radio a "microwave Peyton Place." His observation is true in another sense as well, however. Like Peyton Place, a lot of things go on, but, more importantly, everybody knows about them. What rumor is to a small town, the police radio is to policemen. Sitting in a patrol car eight hours a day is equivalent, in once sense, to spending eight hours gossiping or eavesdropping on gossip. Not only general expectations become implanted in the minds of the officers but specific trouble spots and trouble families become part of his reality. It is not uncommon for an officer to go on a call for the first time knowing a great deal about the family he will have to deal with and the reception he will get. Merely the mention of certain addresses over the air causes some officers to shrug a sigh of resignation and say, "here we go again."

The communal nature of the radio makes the demeanor of the dispatcher important. In cities such as Westville where civilian dispatchers are used, a constant complaint is that they "don't think like police officers." This means that they do not apprehend the relevant aspects of some situations and send officers on calls unnecessarily or fail to dispatch cover cars in potentially dangerous situations that are not covered in their general orders. In other cities where police officers are used as dispatchers, they know more about the street situation but perhaps are not as good at "dispatching." One officer who works as a dispatcher has a tendency to stutter when he gets excited, and he gets excited when he is dispatching a dangerous call. Another officer commented that this apparent nervousness is transmitted to every officer in the field and makes every officer on the call nervous and jumpy.[83] This contagion is a logical outcome of the "extension of the central nervous system" of the radio network. Emotional contagion would not be possible among widely separated officers if they were functioning within the range of their biological sense limitations.

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[82] Field Notes.

The Radio and the Authority Structure

There are a number of consequences which the radio has on the authority structure of police organization. One of the most interesting involves the possibility of any officer taking command of a situation and, for the duration of the situation, being the command center for a number of other officers. He may have no formal authority to order them about but the radio allows him to exercise his colleagual perogative of asking for assistance. One incident, which I did not witness but overheard on the radio and later discussed with the officer involved, will illustrate the power of police radio to extend *ad hoc* organization. Officer A was chasing an automobile containing four people, two men and two women. As it passed through an intersection, he saw it brush by and knock down a woman and continue on. Under the law, this was a felony hit-and-run if any personal injury resulted, but, of course, he could not stop to determine whether an injury had taken place because he would lose the car he was pursuing. He managed to stop the car some ten blocks further on and, assuming he had a felony arrest which gave him broad powers to arrest and search, he got the responsible driver and his passengers out of the car and began searching them. He radioed for cover as there were four of them and he was alone. In the process of searching, he found two concealed pistols in the possession of two of the passengers. This immediately gave him two more arrests. The search which he carried out was legitimate if he indeed had "reasonable cause" to arrest the driver. He therefore asked for another unit to go by the scene of the accident and find the woman who had been hit so that he would be able to prove the felony offense in court. A motorcycle officer went to the scene and found the woman gone, but discovered her address by talking with a number of people in the area. He then found her in a hotel a couple of blocks away and took a report of her minor injuries. Officer A and his cover car had meanwhile moved from the location of their car stop because a hostile crowd was gathering, and he arranged for the motorcycle officer to meet them and their prisoners at headquarters so that he could fill out the proper forms. By obtaining this report, which he could not have done without the radio, he protected his felony arrest and justified his search which discovered the hidden weapons, and those arrests.[84] Officer A thus organized the behavior of a number of other officers over a wide spatial area instantaneously and was able to build his case through their joint efforts.

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[83] Field Notes, not Westville.

Another aspect of the situation was that Officer A could get cover quickly in a dangerous situation through use of the radio, again not by ordering anybody to do anything but by asking. A similar incident in which I was involved also brought quick cover. Three other officers and I were attempting to arrest a boy who had been fighting and had hit one of the other officers. A hostile crowd of 20 to 25 juveniles surrounded our car and were throwing pickets they had kicked out of a nearby fence at us and attempting to take our prisoner. For about a minute, a general fight went on, one officer lost his badge, I lost my keys and whistle. Then cover came in the form of seven patrol cars, six motorcycles, and a wagon, and the crowd desisted, though our prisoner had escaped in the fight.[85] In a situation like this, any officer exercises authority merely by making a request over the radio.

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[84] Field Notes. I have eliminated from this account several non-central incidents, such as the first car which went by the scene of the accident gave up too easily and he had to get the motor officer to go by, and the dispatcher was new and incompetent and Officer A finally had to broadcast unit to unit to get the job done.

[85] Field Notes.

A second consequence of the use of police radio is that formal authority structures tend to break down. While any instantaneous communication allows a central authority to extend its powers to more distant margins,[86] instantaneous communication which bridges all levels of an authority structure allows social control to be exercised by higher-ups without regard for the chain of command, and allows higher-ups to issue orders directly to the lowest level included in the communications system. If these potentialities are taken advantage of by some organizational superior, this tends to undercut the authority of those on intermediate status levels. O. W. Wilson wrote:

> "Adherence to officially established lines of authority may seem to cause needless delay, and the process of control may appear to be unduly cumbersome and involved. Desire to get on with the job sometimes leads to cutting across lines of control in violation of the principle of unity of command. The same desire tempts the executive to undertake an unreasonable span of control in order to provide a more direct access to those engaged in the performance of a task. Friction and loss of control then result. When the principles are disregarded, the force operates without organization, and its effectiveness becomes dependent on the judgment and good will of its members."[87]

In every office of the Patrol Division Officers is a radio speaker so that the officers inside can continually follow what is going on in the streets. One patrol captain often directly contacts officers at the street level. In the incident mentioned above where Officer A was having trouble with an inexperienced dispatcher, the captain, who was listening, called up the radio room and ordered the dispatcher off the air, thus undercutting the radio room sergeant. In another incident, an officer questioned the correctness of an assignment over the air and the next voice was the captain telling the officer that if he had any questions he should call the captain. This undercut the sergeant who gave the assignment and the patrol lieutenant who supervised the sergeant.[88]

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[86] McLuhan, op. cit., p. 96.

[87] Wilson, op. cit., p. 36.

One consequence of this cross status command is that orders which are given directly tend to be carried out unquestioningly because of the absolute authority of the source.[89] In most cases, this leads to no great problems but it could if the superior did not know some aspects of the situation that a more immediate supervisor would take into account.

Thus the fact that all status levels listen to and use the radio increases the contact of the officer but also increases the social control over his actions that his superiors can exercise. Eventually this increase in supervisory power may tend to flatten the status pyramid as each supervisor can exercise control over the communications and assignments of many more officers than he can personally supervise. There are other areas of behavior which cannot be monitored by listening to the radio and the social control exercised by superiors is thus limited. One immediate consequence of the knowledge that the captain may be listening is that the radio communications have retained a high degree of formality and there is little joking over the air in Westville as there is in other departments.

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[88] Field Notes. Officer Minderman comments: "This captain should utilize his working time by reading and not fouling up the workers. This type of supervision tells the officer--do nothing."

[89] McLuhan, op. cit., quoting Albert Speer, p. 218.

The Radio and Patrol Patterns

The use of the radio for assigning officers to various areas and problems, along with the fact that the public now calls the police station rather than hailing a passing officer, means that an officer in a radio car can be given a very large area to patrol with the expectation that he will be able to take care of it. He will be able to take care of the various complaints, but he may have such a large area to patrol that he is not highly familiar with all of it, and thus things and people that would be suspicious to a foot patrolman will not be seen as unusual by the radio car officer. In addition, the nature of his contacts with the public will be altered. When he goes on a call, he may already know some of the facts of the case; he will be fairly certain that an offense has been committed. A foot officer meets many people in situations where no offense has taken place, builds interactive institutions with them and is thus able to build up a store of good will which is impossible for a radio car officer who only shows up when a complaint has been made. In addition, certain types of calls, family fights, assaults, burglaries in progress, and any other call where danger might be present, are always answered by two or more cars. One consequence of this is that the officers respond to such calls "ready for action" and this may somewhat overwhelm innocent bystanders who happen to fit the description of a suspect, or the people involved if the trouble is not really serious. More than one store owner working late has tripped his burglar alarm and found himself looking at several officers with drawn guns. On at least two occasions, my partners and I have upset innocent citizens who happened to be running a few blocks away from a place where an armed robbery had just been reported. Anybody seen under such circumstances is considered guilty until proven innocent because the officers know something has happened and the suspect is probably running away, and this person seen running is a prime candidate. The citizen gets upset because he is not accustomed to being treated as a fleeing armed robber--the police are usually somewhat less polite and considerate with potentially dangerous armed criminals than they are with the average citizen.[90]

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[90] Field Notes.

The Use of the Gun and Car in Controlling Situations

The police radio warps one dimension of the officer's sense world, allowing him to use his instantaneous contact to gain an advantage over the people he has to deal with. There are other instruments which the police use which extend their range of control over physical space as the radio extends their control over perceptual space. These instruments may be available to the citizen as well as the officer so the officer's advantage lies in his training and routinization of their use. In capturing a suspect, the officer can begin his approach from a distance if he uses his gun. He can shout out his demand to surrender while covering the suspect with his gun. This means that the officer is relatively safe from physical assault as he is standing at such a distance that the only way he could be attacked is with a gun, and at that distance he can shoot before the suspect could draw his own weapon. The officer shrinks the space of interaction by using his gun to extend control. He is trained to operate in this contracted space with his gun, and the perception of this fact usually leads the suspect to decide not to attempt to fight in the officer's "home territory." If necessary, the officer can use the range of his weapon to "cover" his suspects while he calls for help over his radio transmitter.[91]

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[91] Vallow, op. cit., pp. 55, 31.

Just as the officer's radio shrinks space for him, citizens' band radio, and the radio telephone, shrinks space for citizens. Many "lookouts" for burglars now use citizens' band radio to alert the burglar to the presence of police in the area. Some "pimps" now have radio telephones in their automobiles making a transition from streetwalker to call girl possible for their girls. The girls work on the streets until the pimp gets a call for their services, then he picks them up and delivers them to the customer. In many recent demonstrations and parades, the "monitors" have been equipped with citizens' band radios which allowed them to operate almost as efficiently as the police, in their limited area. Marshall McLuhan has pointed out that the use of the telephone ends the positional warfare between the prostitute and the police.[92] There is no longer a "street crime" when the prostitute is contacted in her own home by telephone. The importance of a "red light district" decreases in all but convention cities, and port towns, which still have a number of strangers looking for action who have not been in town long enough to find the call girls' numbers. In all of these areas, burglarly, demonstrations, and prostitution, the police are losing control of the situation due to the diffusion of technology. The logical response is to attempt to regain control of the situation by using "electronic countermeasures" of one type or another to detect, monitor, or jam these various signals. In the case of the telephone, this has led to pressure within law enforcement agencies to legalize wiretapping and various forms of "bugging." With radio communications, the possibilities of monitoring and jamming are somewhat more open. Should the police desire to retain control of the various situations where criminals are now using electronic communications, they will have to expand their efforts in these areas.[93] The police will never again have the control of the situation which they did before the diffiusion of small, private two-way radios.

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[92] McLuhan, op. cit., p. 234.

Another area where the police use an instrument to shrink space and get control of the situation is in their use of the automobile. When the automobile was first introduced into police service, it gave the police a great mobility advantage over the footbound criminal. It still gives the police a mobility advantage over people whose problems are not immediately connected with automobiles. It allows the police to respond to calls quickly. But it is no advantage over the ordinary offender who can easily buy, rent or steal an automobile to use in a crime. In addition, many of the automobiles available on the market are much faster than any city police car. It is possible to rent from a nationwide rental car agency a car which is capable of speeds in excess of 150 m.p.h., far faster than most police cars. The police radio often makes up for this difference in speed, but not in every case.

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[93] One case is rumored where a burglar used a citizens' band radio on the same frequency as the police department's citizens' band radio. The police listened until they had enough information to locate him and his lookout. They were apprehended. If illegal use of radio communications increases, the police may have to establish a monitoring program.

In all of these cases, the police used an instrument to gain control over a range of situations by giving them a wider range of control than that enjoyed by the citizen. In the case of the gun, offenders have always had equal access if not equal training and skill. In the case of the radio, offenders are just beginning to explore its possibilities, and, in the case of the automobile, most of the advantage has been lost.

Controlling the Interrogation Situation

The officer usually faces little threat of physical danger when he is interrogating a suspect, except possibly in a field interrogation where he has not frisked his suspect first. He does have the problem of obtaining information which the suspect is reluctant to give. In order to do this effectively, he must control the situation in such a way that the suspect is manipulated into giving his cooperation. There are a number of techniques which have been developed to give the interrogating officer a psychological advantage over the suspect. For example, interrogations are usually carried out in a small, windowless, featureless room where there will be no distractions. Interrogation rooms often have a light outside the door so that no one will enter or attempt to enter while an interrogation is in progress.

This stage is sometimes set with special chairs, a high one for the interrogator which has metal tips so it will slide back and forth easily, a lower one for the suspect which is bolted to the floor.[94] The difference in height allows the interrogator to look down on the suspect and gain whatever psychological advantage is involved thereby. The metal tips allow the interrogator's chair to be moved back and forth as the interrogation requires. Thus the officer quite consciously manipulates the space assumptions of our culture. He may begin an interrogation at a distance of several feet but as he begins to get close to the points of interest, and as the emotional intensity of the situation rises, he can slide his chair imperceptibly closer and intensify the impact his presence has on the suspect.[95] The interrogator may also use these same settings to put the suspect at another psychological disadvantage by telling him that he has sat in the interrogator's chair which is needed because of the interrogator's "bad back." In fact, some interrogators actually have their assistants tell the suspect to sit in the wrong chair so that they can have him move later.[96]

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[94] Richard O. Arthur and Rudolph R. Caputo, Interrogation for Investigators, William C. Copp and Associates, New York, 1959, p. 8.

[95] Ibid. Edward T. Hall has dealt with these aspects of space assumptions extensively in The Hidden Dimension, op. cit., passim, and to a lesser extent in The Silent Language, Doubleday, Garden City, New York, 1959, pp. 187-209.

[96] Arthur and Caputo, op. cit., p. 31.

The interrogator can also build up the emotional pressure of the situation by not allowing the suspect to smoke. Not only is smoking relaxing in itself, it allows a suspect to do something with his hands to conceal nervousness.

> "The entire process of lighting up and smoking a cigarette will distract the suspect from what you are saying. For him to blow smoke into your face will give him command of the interrogation. For him to keep puffing on the cigarette will be a continuous distraction."[97]

Another way of increasing the suspect's nervousness is to "tie him up" in such a way that he cannot move and work off his nervous energy. The interrogator can accomplish this my moving close to the suspect and keeping the suspect's legs pinned between his own and having his hands crossed in his lap with the interrogator's hand on top of them. The suspect then can move neither his hands nor his feet.[98] It seems to me that an additional psychological advantage is also gained: the suspect must consider himself in a peculiar and subordinate position indeed when a stranger can take such liberties with his body and personal space.

The interrogator attempts to build up the emotional pressure until the suspect can stand it no longer. Two things may stand in his way. If the interrogator is forced to carry out his interrogation in the suspect's home or office, the suspect can cause interruptions or can manipulate the objects in the environment to his own ends. Even if the interrogation is carried out in the controlled environment of the police station, the conversation may be interrupted by another officer unless care is taken to keep people not involved out of the room. If an interrogation is interrupted, the emotional pressure is broken and the suspect can gather his thoughts and defeat further interrogation.[99]

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[97] Ibid., p. 27.

[98] Ibid., p. 97.

In addition to managing the physical and interactional aspects of the interrogation situation, the officer may manipulate the substantive aspects by the questions he asks and the replies he allows the suspect. It is not uncommon for the questions to be phrased in such a way that either a positive or negative answer will be incriminating. Should the suspect realize this and start to deny his involvement by an explanation, the officer is counselled to interrupt him and not let him finish denying his guilt. If the suspect is ever allowed to claim that he did not commit the crime, it becomes harder to get him to confess.[100] I suspect that this is true because the suspect will have placed himself in a position where he will not only have to confess to a possibly distant criminal act which did not involve the interrogator, but also to lying to the present interrogator in the present situation. The loss of face involved in admitting to an outright lie may be psychologically more important, situationally, than the admission of the crime. Harvey Sacks has suggested that persons may take their claim to "consistency" in the interrogation more seriously than their claim to innocence.[101]

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[99] Harold Mulbar, Interrogation, Charles C Thomas, Springfield, Ill., 1951, pp. 11-12, 18.

[100] Arthur and Caputo, op. cit., p. 125.

Another way in which the substance of the interrogation can be manipulated is to keep the suspect thinking that the interrogator has all the answers and is just checking to see if he is lying. Skolnick mentions an example of this technique as used by a Westville detective.

> "We know enough to make him feel that we got him by the balls. We have enough information so that we can almost tell him where he took a piss twenty-four hours a day for the last few days. Actually, we don't know what is what so far as real evidence is concerned, but we know so much about his general activities that he thinks we know a lot more than we actually do."[102]

The often reported experience of people who have been interrogated by the Nazis or other totalitarian police indicates that this is a standard police technique useful in any interrogation.

To a great extent, the control of the interrogation is facilitated by the fact that it is a routine for the officer. He has been through many interrogations before.[103] What are new and frightening experiences for the suspect are routine and expected events for the interrogator. He has practiced many of the techniques over and over. He has talked with other interrogators about his tactics. He has all the information he can gather at his disposal before he starts, and, most important, he knows how much he knows and how to go about concealing this from the suspect. With all these weapons for controlling the situation, it is not to be wondered at that suspects frequently confess. In many cases, an interrogator can even get a suspect to talk with him by being friendly and helpful appearing, when, in fact, the suspect should not say anything were he dispassionately calculating his own interests and prospects. Should he be able to get the suspect to talk with him, he can use the full range of these techniques to put the suspect into a frame of mind to confess. I suspect that professional criminals would seldom be taken in, but many first offenders, or at least persons being legally processed for the first time, might be convinced to allow themselves to be interrogated.

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[101] Harvey Sacks, "Methods in Use for theProduction of a Social Order: A Method for Warrantably Inferring Moral Character," ditto, no date, p. ii.

[102] Skolnick, op. cit., p. 177

[103] Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," American Journal of Sociology, 70, 2, September, 1964, p. 212.

Control of the Situation in Disturbances and Riots

A particularly difficult and crucial situation arises when a disturbance is already underway when the officer arrives on the scene.

> "Even the experienced policeman will occasionally come upon a scene that is bewildering in its confusion. Once he allows doubt to creep into his attitude at the initiation of the arrest, it is too late to attempt to develop an appearance of competence in further sequences of the action."[104]

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[104] Vallow, op. cit., pp. 12-13.

It may be possible to take care of such a situation by talking quietly, not telling all of the truth, and separating the combatants. On the other hand, sometimes the officer must command the participants to stop and arrest them if they do not. If the latter is the case, the officer's first problem is to make everybody pay attention to him. There are various ways of doing this, some are better than others. Probably the most effective is to use some attention getter which will distract the combatants. In order of seriousness, this may consist of shouting at the top of the voice, using a blast of the siren if outside, or firing a pistol shot into the air.

> "You can usually determine who the instigators are and you should concentrate on them. When they stop, so will the others. As at all emotionally charged scenes, take immediate command of the situation and continue to keep it. It is at such scenes that the iron fist in the velvet glove must make itself felt by not permitting anyone to argue with, or challenge, your authority."[105]

If control of the situation cannot be established, it is better to call for help before trying to do anything. Once control has been established, and the participants are responding to the officer(s) rather than to each other, the officers must move quickly and with coordination to effect the necessary arrests and get the prisoners separated from the crowd. In order to do this, they should have a plan in advance to guide each officer in his actions.

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[105] Clowers, op. cit., pp. 183-184.

> "The basic principles we ought to adhere to in bringing about the greatest effectiveness and safety in making arrests are as follows:
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> 1. The arrest plan should be simple. This point emphasized the need for a leader in every arresting party.
> 2. Officers should always have superiority in manpower in making arrests. Better to have too many than not enough.
> 3. There should be superiority of firepower in favor of the police.
> 4. There must be speed in the arrest. Along with this there ought to be a prompt removal of the person once he has been taken into custody.
> 5. There must be concealment prior to the arrest. This fact relates to the element of surprise. You can't have surprise if you announce by a 'sounding of the trumpets,' so to speak, that you're going to make an arrest.
> 6. The arresting officers must all be alert and coordinated. Most of the cases one hears about, where an officer has been killed, reflect an absence of coordination. You can plan ever so carefully, but plans can still go awry. Therefore, if all officers are alert, they can make necessary adjustments as a need for them arises."[106]

In many large disturbances, the "superiority in manpower" lies with the crowd, and if the police hope to do anything effective, they must rely on their military organization to overcome the relatively disorganized, and relatively small segment of the crowd they actually have to come in contact with. One or two squads of police officers in skirmish formation can enter a crowd and arrest several people before the crowd can respond. The military organization allows each officer to operate at his maximum effectiveness and to defend the officers on either side of him while the members of the crowd are unknown to each other, unsure of the others' support, and getting in each other's way. Should the arrest of the leaders of the crowd fail to control the situation, the next step is to engage in a form of psychological warfare by allowing the crowd to see a group of specially armed and equipped riot police ready to descend on the crowd.[107] Should this show of force fail to gain control of the situation, it then becomes necessary to use the actual potential of the riot squad in controlling the crowd. By this time, control of the situation has been lost and only a police victory or time will regain it.

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[106] Clift, op. cit., pp. 168-169.

The techniques used for the control of civil-rights and other non-violent demonstrations may differ from those suggested for mobs.

So far, control of various street situations, interrogations, and disturbances has been discussed. In each of these areas, the use of authority, planning, equipment superiority, training, and experience with the situation have been combined to put the police in an advantageous position relative to the others in the situation. There is one major tactic which is often used in making arrests which has not yet been mentioned. Its use is not always possible, for a number of reasons, but it is the mark of a professional police organization, in my opinion, when it is often and effectively used. This technique consists of "talking" the suspect into "coming along quietly," which consists of manipulating the individual's primary and secondary controls in such a way that the force legitimated by tertiary authority need not be used.

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[107] Applegate, _op_. _cit_., p. 184.

The Funnel of Betrayal in the Arrest Situation

Erving Goffman developed the idea of a "betrayal funnel" which led the mental patient into the hospital without a fight thus:

> "As the prepatient may see it, the circuit of significant figures can function as a kind of betrayal funnel. Passage from person to patient may be effected through a series of linked stages, each managed by a different agent. While each stage tends to bring a sharp decrease in adult free status, each agent may try to maintain the fiction that no further decrease will occur. He may even manage to turn the prepatient over to the next agent while sustaining this note. Further, through words, cues, and gestures, the prepatient is implicitly asked by the current agent to join with him in sustaining a running line of polite small talk that tactfully avoids the administrative facts of the situation, becoming, with each stage, progressively more at odds with these facts. The spouse would rather not have to cry to get the prepatient to visit a psychiatrist; psychiatrists would rather not have a scene when the prepatient learns that he and his spouse are being seen separately and in different ways; the police infrequently bring a prepatient to the hospital in a strait jacket, finding it much easier all around to give him a cigarette, some kindly words, and freedom to relax in the back seat of the patrol car; and finally, the admitting psychiatrist finds he can do his work better in the relative quiet and luxury of the "admission suite" where, as an incidental consequence, the notion can survive that a mental hospital is indeed a comforting place. If the prepatient heeds all of these implied requests and is reasonably decent about the whole thing, he can travel the whole circuit from home to hospital without forcing anyone to look directly at what is happening or to deal with the raw emotion that his situation might well cause him to express. His showing consideration for those who are moving him toward the hospital allows them to show consideration for him, with the joint result that these interactions can be sustained with some of the protective harmony characteristics of ordinary face-to-face dealings. But should the new patient cast his mind back over the sequence of steps leading to hospitalization, he may feel that everyone's current comfort was being busily sustained while his long-

range welfare was being undermined."[108]

Or, as one veteran police officer put it: "You can bullshit a lot more guys into jail than you can fight in."[109] The technique has been used for various pogroms, the Jews in Germany, the Japanese-Americans in California, to mention two.

There appear to be several principles involved in the process of funneling someone into jail (or any other total institution for that matter). First, the final destination remains unspecific. The police never mention a stretch in the state prison, or commitment to a mental hospital. They may speak of going to jail, to the hospital for an "examination"--in reality a blood test--, or "downtown," but not the ultimate probable destination. If there is an argument, they mention that the prisoner can talk it over at the station, or in court, and that, in any event, he can get out on bail in a few hours. Sometimes nothing is mentioned of destination at all unless the prisoner specifically asks about it.

Second, the situational etiquette is played up. Once, while arresting a man on an "intemperance petition" which was going to commit him to a hospital, my partner and I allowed him to get dressed, while I watched to make sure he did not arm himself, and to say his "goodbyes" to his wife and son. In this case, the wife had participated by swearing out the warrant and not telling him about it, so our job was made easier, because we were not "to blame."

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[108] Erving Goffman, Asylums, Anchor, Garden City, N.Y., 1961, pp. 140-141.

[109] Field Notes.

Third, if necessary, the prisoner can be told that he might as well "go like a man, standing up," rather than fighting. It is quite true that resistance is futile in the long run because other officers can be called. With one mental patient who had been fought into the hospital on a number of occasions, an officer simply went to his door alone and asked him to come along. He refused. The officer then pointed out that as big as he was, there were seven more officers outside and an entire police department should they not be enough. The prisoner quieted down and walked to the car.

Using talk and "reason" to funnel prisoners into jail is efficient because it makes the job easier, safer and neater. It conceals the ultimate consequences from the prisoner, but it keeps the police from thinking of them as well. This is important when the violation involved is one the police feel is not particularly serious but which might result in a relatively long jail term. Finally, the funnel approach allows the prisoner to retain his composure and health, and reduces the possibility of injury and longer jail terms.

One technique which is used to get people into jail without a fight involves deception. For example, asking a drunk to step outside so that the conversation will not be interrupted, and then arresting him for being drunk in public. Even better is to get him to follow you outside on his own by getting him mad enough to argue.[110] Another way to get a prisoner to come along quietly is to first obtain an arrest warrant. Then the officer can tell him that he is only doing his job and would be powerless to release him in any event. This usually works in spite of the fact that the very same officer just obtained the warrant.[111] Another technique which is used with prostitutes in Westville was mentioned by Skolnick:

> "There are three "postures" that the policeman may assume toward the prostitute, each successively less likely to turn her into a fighting, troublesome suspect. As indicated above, if the policeman morally condemns the prostitute by personal insult, he is most likely to arouse her hostility. However, he may also treat her with the impersonality that Weber has described as the classical characteristic of the bureaucrat. In this type of interaction, the policeman assumes a deadpan expression and issues monotonic commands. When he does so he may be indicating boredom with the job which both he and she know needs to be done. By emphasizing his instrumental status as societal agent, the policeman tends to displace hostility from himself to the more general moral and legal order. Finally, the policeman may treat the arrest situation with the air of mild solicitude somewhat akin to that assumed by the medical doctor with his patients. Here he makes some sort of gesture or remark that indicates concern for the suspect's well being. For instance, he may offer her a cigarette or simply tell her she may smoke. By showing this concern, the policeman segregates her specific dereliction from the general moral character of the woman, and thus enables her to maintain the belief that she is a "working girl" whose product the "squares" have made unlawful. Thus, by

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[110] Clowers, op. cit., p. 173. Wayne R. LaFave, Arrest, Little, Brown and Co., sine loco, 1965, p. 29.

[111] LaFave, op. cit., p. 45.

not challenging her basic moral worth, the policeman reduces the hostility of the prostitute toward him."[112]

Another technique which may be used to get a prisoner to jail is not to let on what his true situation is. For example, Banton mentions a case where a drunk was asked to come to the station to report the theft of his car. When they arrived at the station, he was led off to jail, still unaware of what was happening.[113] In one instance I observed, a prisoner was taken to jail on a speeding charge, a charge people are usually not arrested for, and he did not know until he was about to walk through the jail door that the real reason he had been arrested was for broadcasting obscenities over his automobile "ham" radio and that the F. B. I. would be around to see him in the morning. He had been drunk and argumentative anyway and he might well have fought or bolted had the true nature of the situation been known to him.[114]

In the interrogation, the prisoner may be told that he should "get straight" so that the interrogator will not have to tell "officials" that the suspect has been lying.[115] Or the interrogator may really appear sympathetic with a suspect who claims that his hard luck was the root cause of his problems. The interrogator will tell him of the possibilities of education in prison, the people who are now respected members of the community who once served prison terms, the feeling of having paid his debt when he is released, all the while impressing on him the need for complete sincerity.[116] The interrogator does not mention the immediate penalties or unpleasantness of prison life, the difficulties of taking a place in the community as an ex-convict, or the possibility that the judge or jury will be negatively affected by his confession. In interrogating a drunk driver, my partner and I encouraged his desire to "get straight" and to "take his medicine" by answering all of the incriminating questions on the drunk arrest form.[117] Or it might be suggested in some interrogations that the specific charge was "no worse" really than the others, it just happened that the victim had died this time. This encourages people to talk about their crime, and ultimately perhaps be executed.[118]

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[112] Skolnick, op. cit., pp. 106-107.

[113] Banton, op. cit., p. 72.

[114] Field Notes, not Westville.

[115] Mulbar, op. cit., p. 29.

Although not strictly a police matter, the funnel process continues throughout the legal system. According to David Sudnow, the Public Defender and the District Attorney in Westville routinely have bargains which result in the suspect pleading guilty to a lesser charge and going to jail or prison without a trial.[119]

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[116] Ibid., pp. 26-27.

[117] Field Notes. This interrogation took place before the Miranda decision had resulted in the new admonition form.

[118] Albert Deutsch, The Trouble With Cops, ARCO Publishers, London, 1950, p. 160.

According to Robert Martinson, the process continues until the door of the gas chamber closes behind the prisoner. The guards are kind and polite, they hold out the possibility of a reprieve until the last minute, and this serves the same purposes as the previous funneling: the death row inmate goes to his death quietly, in most cases, and it makes it easier on the guards not to have to think about the realities of the situation or fight the prisoner into the gas chamber.[120]

If the funnel stops short of the death penality, the net result may be that the offender thinks that he has gotten off lightly, that the police were fair, the judge understanding, the defense attorney competent, and only the "fink" who turned him in was to blame.[121] Or he may feel that all his adversaries in the legal process were understanding and lay any blame on his own attorney, who should have gotten him off. The funnel thus prevents confrontations, and the social control process goes on smoothly, moving offenders from the street, to jail, to court, to prison, and to death without ever an unpleasant incident. If the prisoner balks, then the raw power of the tertiary agent is brought into play and the situation may be seen for what is is--a social coercion.

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[119] David Sudnow, "Normal Crimes," Social Problems, 12, 3, Winter, 1965, passim.

[120] Robert Martinson, Social Interaction Under Close Confinement, Institute for Social Sciences, U.C. Berkeley, mimeo, 1966, p. 22.

[121] Skolnick, op. cit., p. 155.

Conclusions

Situations must be controlled because they are unpredictable and dangerous. Control is achieved in the street by the moral authority of the uniform, weapons, physical size, manner and demeanor, tricks, making sanctions relevant, keeping bystanders busy, and the advantages of various instruments.

The police are not interested in fighting, they are interested in winning. The level of force which they may use is regulated by the presumed seriousness of the crime they are dealing with, whether it is a felony or a misdemeanor. These categories do not necessarily correspond with the danger of the crime and the use of tertiary legal rules to govern interactive situations leads to discrepancies.

The possibility of killing must be internalized and accepted by police officers, and killing in a particularly personal situation at that. Many of the instructions on fighting to be found in police manuals are efficient but brutal.

The use of coordinated force makes each officer's life depend on the team. This leads to solidarity.

External solidarity protects the police from attacks from the outside. Internal solidarity protects the working patrolman from the application of rules by his superiors, and from departmental investigations of citizen complaints.

Force may be used as a particularly satisfying form of personal power, in those areas in which it can be made legitimate. When so used, it is used to punish offenders or to command respect. Westville does not appear to use a great deal of force or to use it illegitimately, contrary to its popular reputation.

The instrumental use of force to obtain confessions has all but ceased due to the use of the exclusionary rule.

Force can be fun for the police officer, and symbolically and personally rewarding if it is used against a dangerous opponent.

Force is needed as a protection by police officers as they are likely to be assaulted in the course of their duties.

The police adopted radio communication because it improved the efficiency and safety of their operations. Some consequences were: That the possibility of consultation allows officers to tap the collective wisdom of the department. This is useful generally and to gain control of specific situations. Another consequence is that listening to the radio builds a sordid image of urban reality to which the officers react. It also extends the possibility of ad hoc organization but has the potential of undermining the chain of command, and thus the authority structure. And, finally, that the range of patrol is extended but the nature of contacts with the public are changed.

In interrogation, the situation is controlled by the development of a psychological advantage which depends on the assumptions of the culture about space, and the suspect's own emotions and assumptions of consistency.

In disturbances, the situation is controlled by stating authority, getting the necessary help, planning actions, and coordinating actions with other police officers. A major tactic used in many situations is the funnel of betrayal which keeps the final destination unclear, the situational etiquette up, and the prisoner convinced of the wisdom of going along. This is achieved by the officers being kind, polite, and concerned. A similar process moves the prisoner as far as he is going in the legal and penal systems, avoiding messy confrontations and making social control of deviant behavior a routine processing function. Not everyone goes along, of course, but the various tactics developed by the police control most situations.

CHAPTER V

ELEMENTS IN THE DECISIONS OF THE PATROL OFFICER

Police officers often say that no two situations are the same, so that the decisions which they have to make must be guided by common sense. Police officers also say that it takes about five years of on-the-job experience before a police officer makes most of his decisions correctly without supervision. Both of these statements, contradictory though they may seem, are true. "Common sense" is a sort of knowledge presumed to be self-evident by a group or category of people. It is distinguished from other sorts of knowledge by the method of learning it; one does not sit down to study-up on common sense ways of dealing with situations which arise in everyday life, one knows them. An actor who commits a faux pas which seems to involve not having made an assumption or distinction which "everyone" should attend to in the instant situation may be said to lack "common sense." Groups of people who communicate with one another and share some common set of routine problems individually objectify and transmit to each other the subjective processes and meanings which they have found to be associated with the problems, and from these objectifications the intersubjective common sense world is constructed. Since these objectifications exist at a pretheoretic level and are not deduced from some overarching scheme, which would make them formal knowledge, they are not easily or systematically recorded in abstraction from their concrete referential situations. At most, some of the elements, abstracted and artificially systematized, can be formally transmitted in some form of training. Elements of situations which are not linguistically objectified are relatively unapprehended by consciousness and are thus left out of the objectification which is formally transmitted. Officers, for example, do not usually mention the smell of fear as an element in their dispositional decisions, but they use it. "Learning common sense" consists of apprehending the customary patterns of dealing with situations when the situations themselves consist of a complex group of contingencies some of which may have been intersubjectively objectified and others of which are available only to individual consciousness on the basis of unobjectified past experience. Both types of contingencies are relevant to the selection of the "correct" pattern of actions for dealing with the situation. Since common sense is not formally transmitted to any great extent, it is not thought of as anything "special" which one group has and others do not. Nonetheless, the common sense of a group depends on the experiences of the group, and when a group has recurring experiences which are not common to the society as a whole, they develop and share a common sense divergent from that held by others not in the group. Since many elements of common sense are unobjectified, people cannot compare divergent objectifications, and are thus unaware of the extent to which one person's common sense is another's lunacy. The police say that they operate on "hunches" in some situations, which is another way of saying that some aspect of the situation to which they are attending is linguistically unobjectifiable. Thus when a police officer says that police work is mostly common sense, he is correct, and when he says it takes five years on the average to learn the job, he is saying that the apprehension of "police common sense" in its untransmittable complexities takes that long.[1] As more and more officers record their experiences, a greater and greater portion of common sense will be transmitted, but the non-linguistic and subjective experiences which combine with objectified forms to make the totality of common sense still must be learned in concrete situations.

In other words, the policeman does not have "words" for some of the things he experiences, so if these things are important for what he should do, he must experience them because he cannot learn about them in training.

In order to deal with a situation, an officer must bring the relevant considerations into consciousness before he can decide how to proceed. Consciousness is not a video display tube or computer print-out which lists all of the important considerations in logical order within the categories established by law to deal with situations. The rules of the game do not flash on a screen in the mind. Contingencies do not appear instantly as decision trees with probabilities and evaluations associated with each path. Rather, each attended element of the situation brings to consciousness the possibilities of action, and consequences of action, from various realms of "knowledge" which are habitually associated with that element or which seem appropriate. The officer makes his decision from this collection of possibilities, putting them together in one way and another to construct complex alternatives. These divergent realms of knowledge exist at analytically different levels and dimensions of abstraction. Some realms are based on written rules, such as laws, some realms are based on interactive institutions, some realms are based on general knowledge, some realms are based on existential and interactive possibilities within the situation, and some realms are based on systematic or common sense morality. The officer does not confront this frightening array of possibilities and considerations as a whole all at once, that would be like trying to make all the moves of a chess game, and all the remarks of three hours of conversation, at once. Rather, he calls to mind sub-strategies which have worked before, and when no course of action is immediately obvious, he reattends to the situation and looks for elements which will guide him further. As he does this time after time, he comes to conclusions which he evaluates and discusses with other officers for intersubjective evaluation. These experiences become part of his consciousness and he constructs "typical" dispositions for "typical" situations. These typical dispositions are brought into play by a patterning of the relevant realms of alternatives so that he knows what considerations, and thus what substrategies, are usually best. This patterning of realms becomes part of the individual officer's personal culture, and in his interactions with other officers, the individual patterns become intersubjectively sedimented, or laid down in consciousness, and thus a part of police culture. This police culture takes on the authority of a standing way of doing things which guides the new officer in making his own decisions, tending to limit his patterning of realms and sub-strategies to those which seem appropriate and proper.

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[1] Officer Minderman comments: "Some men grasp it instantly and some never get it."

In other words, though there are an infinite number of pathways an officer might follow through the elements known to him, there are only a few paths which he learns to consider the best. In order to choose among these paths, he sees what realms of knowledge are called to consciousness by the idiosyncratic elements of the instant situation.

Possibly Relevant Realms of Knowledge Accessible to the Police Officer

Legal Knowledge.-- A police officer as an officer of the law is expected to have a working knowledge of the law, its possibilities, requirements, and interpretations. The law is his most powerful weapon and the more he knows about it, the better he can control the problems which his interpretation of his mandate leads him to attempt to control. The officer learns about law from a number of sources, formal and informal, abstract and concrete. Since his interest in the law is instrumental, rather than scholarly, the emphasis of his knowledge is on the best ways of using laws rather than on the range, variety, classifications, history, or philosophy of laws. The sources of legal knowledge might be compared to the sources of knowledge about making a trip between two cities over unknown terrain.

The Penal Code is a large scale map. It reveals that there is a road between the two cities, the act and the control. It tells very little about which is the best road, or what difficulties will be encountered along the way. The Penal Code, and the other legal codes an officer has sworn to enforce, contain thousands of individual codes but no guide to the frequency of use or importance of each. A person who bought a copy of the Penal Code and read it from cover to cover could, and probably would, come up with a collection of bizzare possibilities of action which a police officer would never contemplate, and would not recognize the complex possibilities seen by a police officer in seemingly innocuous statutes. In conversation with a law student whose only contact with the Penal Code was a formal one, I kept having the uneasy feeling that we were not even talking about the same laws, because while he knew the words, he didn't know what they "meant" as guides to action. He would assert that the police "could" do something while I knew that they "could not.". We were at a noisy party and the Westville police had already shown up several times trying to get the rock-and-roll band to quiet down. I was staying in the background as I had no desire to run into any of my fellow officers in this sort of situation. He argued that the police could arrest the party givers, and, indeed, all of us for "disturbing the peace." I said that he need not worry about that until the police showed up with a citizen in tow to make a "citizen's arrest." He was technically correct, the officers could make such an arrest on their own authority, but customary practice and the realities of winning cases practically require a citizen to make the arrest before an officer takes action against a loud party. As it is sometimes put, "A peace officer's peace cannot be disturbed." The crux of our dispute was that he was deducing possibilities within a formal system while I was attending to the limitations which are customarily enforced within the legal system as I had experienced it.

The officer is exposed to formal training and instruction when he begins his law enforcement career, and in many departments, more formal instruction in the law is given as needed in "line-up" training. Formal instruction sharpens and makes relevant the small number of codes which are actually used by the working officer. It provides the officer with a guide to the laws which he will use often. It gives him some sense of the common obstacles which he will encounter as they have been apperceived, objectified, and intersubjectively sedimented, but it still does not provide him with a "sense" of or "feel" for the situation. In terms of the road analogy, it is a "trip-ticket" which shows the actual twists and turns, the quality of the roads, and the best route under normal circumstances.

The third source of knowledge about the law comes from the officer's working experience with experienced police officers. This is by far the most important source of knowledge of the law because it is in this situation that the thousands of minor considerations which cannot be generalized are learned. The most important part of this source of knowledge is that the officer learns here to make the connection between behavior he observes in the "real" world and the customary interpretations of the legal context which can be applied to such behavior. Until he has learned to make these connections, the two systems are quite separate for him, and though he may know that some act is wrong and violates some law, it is through his intersubjective experiences with other officers that he comes to view arrest or citation as a routine and expected response to those acts which he now sees as customarily processable illegal acts.

This step from the observation of behavior to legal response and selection of an appropriate charge may become automatic and complete in itself for those situations which are frequently encountered. Violation of possibly a dozen sections of the Penal Code and possibly two dozen Vehicle Code sections can be completely and competently taken care of by most experienced patrol officers on the spot. That is, the situations arise so frequently that they can foresee all the legal requirements and ramifications and can include in their arrest report all of the evidence necessary for converting the offender into a defendant. In those less usual situations where the precise legal charge is not known to the officer, he learns through his experience with other officers of legal charges which can be used as stop-gap measures. These are laws which allow the apprehension of the suspect at the moment, and leave open the possibility of legally correct charging for later when more expert officers or sources can be consulted.

Within the limits established by formal knowledge of the Penal Code, and the prescriptions of training, the experience of actually using the Penal Code proceeds by a method of trial and error which is guided as well as possible by the experienced officer. The experienced officer attempts to point out those elements of the situation that he is attending to in making his decision (of course, he cannot linguistically transmit those elements he cannot objectify but he can often "indicate" them in other ways), and the officer learning the law sediments in consciousness not only the objectifications of the experienced officer but his own subjective experiences in the situation. This combination of experiences is compared with other similar experiences intrasubjectively and "typical" behaviors become associated with "typical" legal decisions in the officer's mind.

The way that law is used, thus, is a cultural product in which the most important influence comes from the officer's interactions with enculturated officers in the process of dealing with specific situations. In terms of the road analogy, this is comparable to riding from one city to another with a truck driver, who makes the trip every day, teaching you as he drives about the turns, landmarks, and dangerous intersections that he and his fellow drivers have experienced. As he mentions each, you subjectively experience or imagine the concrete situation, and remember it for later reference.

The fourth source of knowledge of the law comes from the officer's experiences with the legal process. He learns to examine the consequences of his actions as they are interpreted by various judges and in the light of various legal rules.[2] This provides him with further experience of the uses and customary limitations of the legal system. He keeps or brings into consciousness his own experiences from past situations when he is deciding what to do about an instant situation. Should he discover some variant interpretation which might be relevant to the other officers of his department in this process, he will objectify his experiences and transmit them to the other officers who will intersubjectively sediment them in their own consciousnesses, and then will act on this new standing order of their culture. In terms of the road analogy, the new driver, now operating alone, notices a new detour which is over bad side roads, and he mentions it to other drivers heading that way who he meets in a restaurant. They, in turn, take it into account in planning the remainder of their trip.

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[2] Officer Minderman comments: "Within vague limitations, judges react to pressure and themselves create a "legal climate" of

The decision to invoke or not the rules of the legal realm depends on whether the legal realm seems relevant taken in the overall patterning of realms of knowledge called forth by the concrete situation.

Non-Legal Knowledge.--The police officer is an enculturated member of the larger society and he has the general knowledge appropriate to one from his social milieu when he takes up the occupation.

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the time. They can do this by stiffer sentences and fines, allowing wider lattitude in the admissibility of evidence, closed conferences with "interested" parties in their chambers. Officers are aware of particular judges and their "feelings" and the officer's actions on the street reflect this secondary climate. For example, one liberal traffic judge was hit in a cross-walk and invokes the maximum penalty in all pedestrian right-of-way protests. I have never seen him dismiss one, but he dismisses everything else!"

Specifically, in relation to the solution of interpersonal problems, he has the experience of one who has grown up in a working class or lower-middle class family, in most instances, and he has the collection of maxims, sayings, notions, and feelings of propriety which are conventional in these reaches of society to apply to various situations. Most people in society deal only with the interpersonal problems which arise in their own relationships with their families and neighbors, with occasional excursions into other people's problems. The notions they have of problems and solutions are thus milieubound, and related to what they take to be the standing order of the etiquette to which they subscribe. The solutions are "rough-and ready," and mostly appropriate within their own milieux. Most people in society, and thus most beginning police officers, do not have the broad and relativistic view of interpersonal problems which is developed by social workers and office psychiatrists. The broad view developed by professional interpersonal problem consultants includes notions of correct solutions for many different life styles, and knowledge of external sources of help which might be appropriate for a variety of cases. (But, of course, they are not on the scene.) The beginning police officer thus enters the job without any special understanding of the problems of the most degraded or the most exalted members of society. He rarely has to cope with the problems of the wealthy, but he finds himself almost from the first day on the job dealing with the interpersonal problems of the poor. The solutions he has learned as an enculturated member of his social milieu are dependent on the standing order of etiquette of his milieu and in milieux where the etiquette is different, the solutions that "naturally" appeal to him are inapplicable. In order to deal with such situations, he needs more knowledge than he has, and he gets it, to a small extent, from his formal training (which consists of largely inappropriate prescriptions of sociologists and psychologists taken from introductory texts, and the objectified sedimentations of experience of other officers which appeal to him more because they are more practical guides to action), from his own interactions with experienced officers in concrete situations, and from his own reflections on his own experiences.

Unlike legal knowledge, non-legal knowledge of the solution of interpersonal problems does not have a large scale map to guide the officer. There is no "Penal Code" of (for lack of a better term) "social work" or secondary social control. The abstract moral codes which are somewhat accepted in status societies are less so in complex contract societies, and, in some cases, are specifically ruled inappropriate for tertiary social control agents. Although it might happen, there is no legal warrant in the United States for a police officer to respond to problems by quoting from the Bible. The theoretical statements of sociologists and psychologists tend to be so abstracted from everyday reality that they take on the aura of moral precepts, a statement of what "good things" are to do. At present, they are certainly not guides to action. As a result of this lack of an authoritative guide, the police officer must learn from the emergent reality of the groups' experiences what appropriate ways of dealing with the problems are.

As with all knowledge, in police work, one important boundary of non-legal knowledge is its legal status. A police officer is taught that the giving of certain advice, or the taking of certain actions will open him to civil liability. The formal training (which includes line-up training) tends to emphasize this aspect as it is the easiest and least complicated portion of the knowledge to transmit.

The lack of a legitimated overall map means that the officer's own cultural heritage, and the officers' collective cultural heritage, plays an important part in his developing knowledge of non-legal solutions to interpersonal problems. In his guided experience, the young officer learns to categorize actions and to think of them in the same way that other officers have come to think of them. In his contacts with the poorest classes, which provides the greatest routine discrepancy from his own cultural etiquette heritage, he learns, for example, that violence is evaluated less seriously and people are less likely to be amenable to verbal solutions than he is used to. While there is a warrant for extending equal law enforcement into social milieux which may not welcome it, there is less warrant for extending the officer's cultural heritage into the same milieux. In the absence of such a warrant, one common response is to let the standing behavior patterns alone, retain one's own culture, and limit the advice to that which is legally justified or emotionally appealing.

The young officer watches his more experienced partner cope with the problems which are presented and he gradually begins to gain an idea of what "appropriate" solutions are for him. Whether or not his own "appropriate solution" is of any use to the people he is dealing with is another problem. He will learn about family service clinics, mental hospitals, and possibly welfare agencies as possible solutions to the problems of those he deals with, but he learns about them either as formal alternatives, or as solutions to his own existential problems. Since he does not follow up on his non-legal advice, as he does on his legal advice, he has little feedback and thus no way to improve his performance. If he were required to follow his client's progress through the family service agency, mental hospital, or welfare agency, as he is through court, he could modify his street behavior in terms of what he and his fellow officers had learned of its consequences. Since he does not, he remains a "non-expert" whose advice is useful only to those who don't know how to find an expert. As an impartial third party, however, he can suggest what alternatives occur to him on the basis of his background and experience and these may be of some use.

All non-legal knowledge does not have to do with interpersonal problems, but interpersonal problems are one of the most frequent stimulants for the officer to consider the non-legal knowledge realm an appropriate part of his decision criteria. This is because interpersonal problems rarely constitute legal problems, and, as mentioned, the moral solutions known to the officer are likely to be unacceptable to those involved in the problem.

Some non-legal knowledge is simply factual: how to get a bus, where to go to pay a fine, where the restrooms are in the park. The officer sets out to learn some of these consciously, others he simply picks up in the course of driving around the city eight hours a day. The invocation of this realm of knowledge usually presents no problems. If the officer knows the answer, he will tell the citizen, if he does not, he will say so, and possibly suggest a strategy for finding out the answer. The officer is little different from the citizen in this situation, he just knows more.

Moral Knowledge.--Everyone has a sense of morality, which constitutes their primary social control, those things that seem "inherently" right or wrong. Their sense of morality may in part depend on a religious system, but the religious system itself was derived from the sedimented experiences of people which were objectified and codified by a religious leader. In larger part, their sense of morality will be dependent on the customs current in their society as interpreted through their parents' examples and precepts, and the examples and precepts of other actors they are dealing with along with their own experiences. In a non-theocratic society, the prescriptions of "official" morality do not carry the weight of law and many different moral conceptions may co-exist and be transmitted through groups sharing dissimilar existential positions to stand as variants or modifications of the average morality of the culture.

The police officer begins his career with a conception of morality appropriate to his status as a member of society from a certain social milieu and a certain kind of family. This conception of morality may be somewhat more important to him than it is to the average member of society, it may have influenced him to go into police work, but it is the conventional morality of the mainstream of society, not some bizarre variant of a splinter group.

In his work as a police officer, he gets to experience at first hand more moral dilemmas in a month than most people face in a lifetime. I am not speaking of his own dilemmas of honesty and prejudice, but the moral dilemmas presented to him by the people he deals with. In few cases is one person clearly right and the other clearly wrong, but the decisions he has to make for legal or non-legal disposition or advice almost always uphold the morality of one and degrade the morality of the other. He does not want to make an immoral decision regardless of whether it is upheld by law.

Many situations which are frequently encountered by police officers have known possibilities of "immoral" action built in. These situations where legal action would lead to injustice, as popularly conceived, are the ones which make the realm of moral knowledge relevant to the officer's decision-making process. In many patterned situations, he has learned from training, or from other officers, of the moral dilemma before ever encountering the situation, in others, he comes upon it unaware and with no ready solution. It seems clearly unjust to jail a woman with small children for an unpaid traffic ticket, but what does one do in a neighborhood dispute where each party has been the victim and the perpetrator of an offense? Any action involves a moral judgement, as does inaction. The police officer has no "special" sense of morality, no source distinct from the general cultural heritage, just more experience in facing such problems. This greater experience makes him less sensitive to small wrongs, as he often sees big ones. It makes him appear unsympathetic in some situations where he has decided in advance the moral approach he will use. Policemen are moral actors. In situations where any action will lead to some injustice, they tend to fall back on their conventional morality as they apperceive its consequences filtered through their understanding of law and applied to the instant situation.

Although moral considerations are relevant in all police action, the moral realm becomes really relevant to decisions where popular morality and the law are in conflict, and does not often become relevant when the two are congruent. No one objects to a police officer shooting back when he is being shot at, but though he is legally justified in shooting at a fleeing felon, public morality may disagree, and thus the moral realm becomes relevant to the officer's decision.

Habituated Knowledge.-- Officers face similar situations time and again and they call to mind the various realms of knowledge which are relevant time and time again. After some experience, the officer will decide that this instant situation is "like" that other situation with which he dealt in the past. If his past solution was relatively successful, he will be inclined to try it again. If it does not succeed this time, then it is an indication that the instant situation was not "like" the past situation in some crucial regard, and the officer will modify his notion of the relevant criteria for deciding "likeness" by finding the dissimilarity. Gradually, by this self-correcting process, the officer will develop a notion of the realms of knowledge and associated sub-strategies which are brought into play by a "typical" situation. He will have in mind a number of "typical" situations which produce "typical" problems and are created by "typical" categories of offenders that result in "typical" dispositions. These typifications of situational contingencies are intersubjectively sedimented by interaction in the police subculture and may be available in consciousness to an officer who has never actually experienced the situation involved. For the "experienced" officer, the problem faced in a new situation is to abstract the elements and to decide if it is "typical," in which case, he can proceed in his habitual manner. So long as the officer is correct, his action is expedited because it all becomes automatic. Should he decide a situation is "typical" of some class of situations when it is not, he will produce an injustice, lose his case, or get a bullet in the head, depending on his error.

Habituation and typification of actions among police officers lead to an "institutionalized" manner of dealing with certain situations from which the officer deviates at his own risk. A large measure of social control over the officer's behavior arises from this "institutionalized" "best way" of doing things.

On occasion, a reciprocal typification of behavior will take place between routine offenders and police officers where each knows what the other "typically" will do in the recurring situation. Street drunks and fighting families are good exemplars of this category. The reciprocal typification may be violated by the appearance of a new officer who decides to arrest for "Assault with a Deadly Weapon" instead of writing it off as a "Suspicious Circumstances" battery as the officer who usually goes to the fight would. The officer involved in the reciprocal typification may even argue for the correctness of his action, basing his argument on the relevance of a realm of habitual knowledge inaccessible to the new officer, for example, that the fighting family will make up tomorrow, and arrest would be unjust.

The realm of habitual knowledge is relevant to the officer more and more as he has more and more experience. The beginning officer must have the various considerations, the realms of knowledge relevant to the situation, pointed out to him and he must personally go through the experience of evaluating his typifications before he can habituate his handling of situations. Though this discussion may make it appear that an officer would be tortured by self-doubts at every step, this is probably not true. Most situations allow a latitude of responses which are all more or less acceptable, and even crucial situations usually are not all that threatening. All the other police officers went through the same learning process, they all made mistakes, and they are tolerant of a new officer's mistakes, unless they come to categorize them as a demonstration of inability to handle routine situations, at which point the new officer's reputation will suffer and he will not be counted on.

Interactive Institutional Transaction Knowledge. -- Both the intrinsic and extrinsic consequences of action are taken into account by the officer. The intrinsic consequences include the legality, fairness, and morality of the action, as has been discussed. In some situations, the realm of extrinsic relevances will be called to consciousness by some aspect of the situation. The officer will have to decide whether one course of action or another is preferable based on its effects on the relevant community or legal institutions in which he and the department are engaged. Since there is no list of the informal institutionalized transactions that might be relevant to action against particular people, he must learn these relations before he can respond to them. A young officer might easily make a blunder in a situation, such as arresting a newspaper editor, that a more knowledgeable officer would avoid. A special patrol might be set out to guard the automobiles of visitors to the police department during "police week" on the theory that public relations with important community institutions and leaders would suffer greatly were their cars to be stolen while they were inside the police station. Learning what clues to attend to to determine when to engage the realm of extrinsic, or institutional transaction, knowledge and to include its sub-strategies in his decision-making process is almost entirely learned from interaction with experienced police officers who are discussing situations. In an area such as this, exclusion from the informal information network may result in an officer's taking action which will destroy his career because he "didn't get the word" that some person or activity should be left alone. This is especially true if the department concerned is a political one.

Some Situational Factors Relevant to the Choice of Decision Paths

Ultimately, it would be impossible to list all of the situational factors to which an officer might attend, given the range of situations and the complexities of each. Some of the substantive elements associated with specific situations will be suggested in the next section of this chapter; here I would like to suggest some elements which are common to many situations and which are often important considerations affecting the decisions the officer makes. In some cases, these factors incline the officer to legal action, in other cases to non-legal action. They affect his sense of the morality of the situation and are important in the determination of the "typicality" of the present case.

The "Attitude" of the Offender.--When a police officer speaks of the "attitude" of a citizen, he means only one thing; how does the citizen overtly react to the situation in which he is confronted by the officer? There are basically two attitudes which the officer recognizes, "good" attitudes and "bad" attitudes. A good attitude is demonstrated by a polite, concerned, tractable manner where the offender shows remorse for his transgression, indicates that he feels guilty or sorry for it, implies that he considers the officer's actions correct and justified, and indicates that, realizing what he has done, he will not do it again. All of the elements need not be present for the officer to assume that the citizen has a good attitude; politeness and a calm, repentant manner may be enough. In some cases, the officer suspends judgement because it is clear that the citizen is in some sort of hysterical or emotional state where he does not appear to be in control of himself. The officer thus applies, roughly, the legal criteria of responsibility before judging the attitude. A sloppy drunk is assumed to be irresponsible, a fighting drunk may be responsible. The sincerity of the attitude is also called into question. On occasion, a person may be insulting by being over polite, or his repentance may seem insincere because it is overplayed. The "con-wise" offender as well as the average citizen avoids these extremes of politeness, and makes a satisfactory presentation.

A bad attitude is demonstrated by a cool, contemptuous, unconcerned or unrepentant demeanor. It may also be demonstrated by a hostile, aggressive, impolite, rude, or obscene demeanor. Anyone who calls an officer a "mother fucker" has a bad attitude.

It is also possible to have, as far as the officer is concerned, no attitude. A person who has no apparent attitude is one who simply responds to the demands of the situation and sits or stands quietly, volunteering nothing, but without appearing contemptuous. In this case, the officer uses other decision criteria without considering the attitude.[3]

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[3] Officer Minderman comments: "Such a person, at best, is regarded as tainted and to be watched. The guarded attitude is suspect."

In some situations, the attitude of the offender is the most important factor controlling the officer's disposition. A good attitude will make the realm of non-legal knowledge relevant, a bad attitude will make the realm of legal knowledge relevant. In almost all situations, the attitude of the offender has some influence on the disposition of his case. This is surprising to those who think that once an offender is apprehended his processing is inevitable, or to those who think of the police officer as a ministerial officer of the law. In fact, in many situations, the officer exercises judicial powers and he needs to know more about the offender before he can make up his mind. Particularly in cases where the subsequent processing is routine, such as traffic citations, the officer's decision to cite is equivalent to a judgement of guilt. The quasi-judicial nature of the situation thus justifies, in the mind of the officer, taking the offender's attitude into account.

Just because he has to make decisions and needs more information is not a sufficient reason to place as much weight on attitude as is routinely done. There are all sorts of other criteria which might be relevant to the offender's circumstances and possibilities of rehabilitation, but these may not be apparent in the immediate situation, and if they were inquired after might be lied about, so attitude is taken as a key.

Attitude is also important because the officer makes certain assumptions about people based on their demeanor. These assumptions are in part those which would be made by any member of the culture and, in part, are specifically concerned with problems relevant to the police world. Any member of our culture whose neutral presentation was met with hostility would assume that there was something wrong with the hostile person. The police officer's presentation tends to be "professional" and businesslike, and while he knows that people are not glad to be apprehended, he expects that they will be normally demeaned, at least on an interpersonal level. Should they respond to his "neutral, professional" presentation with hostility, it seems unreasonable to assume that there is no reason for it. The reason may be that the offender is guilty presently, or in the past, of a more serious infraction, or is a police hater because of some previous contact. The reason may be that the person is misdemeaned, in the archaic sense, and the officer assumes that anyone who responds to a symbol of society such as himself with hostility is also generally anti-social and should be corrected. A "bad" attitude indicates a lack of primary and secondary social controls which argues for the imposition of tertiary controls. Another reason may well be that hostility tends to disconfirm the officer's subjective reality. The officer considers himself to be a powerful, active administrator of the law. When an offender degrades him by his hostile attitude, the officer's response may be to demonstrate that he does indeed have the power to discomfit the offender. Finally, it is unpleasant to be hated and an officer soon builds up hostility toward those who demonstrate that they hate him. How he vents this hostility depends on the officer and the department. He may beat the offender or, in "professional" departments, he may simply pick the most serious legal construction of the offender's act(s) possible to guarantee that he gets the highest possible fine or the longest possible jail term.

A police officer is the target of more hostility, most of which he personally did not earn, than is the occupant of any other position I can think of in society. It seems so senseless to the officer, he knows he does good things, and when he arrest people, he thinks it is usually for their own good or for the good of society. To be greeted with hostility in many situations does not square with this self-conception, so the officer assumes that the moral character and social control of the hostile person is in some sense defective.

The offender may be hostile because he feels he has gotten a bad deal from the police, or because he feels that the police are prejudiced, or because he has just had an argument with his wife, but he does not appreciate the effect his hostility will have on the officer and the resulting consequences. Not expecting the consequences he will feel further offended that he has been dealt with so severely, but if he learns from the situation, he will not respond with hostility to officer's response may be to demonstrate that he does indeed have the power to discomfit the offender. Finally, it is unpleasant to be hated and an officer soon builds up hostility toward those who demonstrate that they hate him. How he vents this hostility depends on the officer and the department. He may beat the offender or, in "professional" departments, he may simply pick the most serious legal construction of the offender's act(s) possible to guarantee that he gets the highest possible fine or the longest possible jail term.

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Situational Demands.-- A series of seemingly petty situational contingencies effect the officer's decisions in many cases. For the officer, the situation of arresting people and sending them to jail is a routine, nothing remarkable, an everyday occurrence. Being seen in this light, it doesn't matter greatly to the officer if some get away because he is attending to other considerations; there will always be more people to send to jail. Given this routineness, the minor offender may be let go if the officer is late for lunch. Of course, for most offenders, the prospect of being arrested and being sent to jail in a patrol wagon is frightening and not something to be treated lightly at all. A walking officer in Westville may arrest and send to jail over 2,000 drunks in a year and it is very hard for him to maintain any interest or concern with the individual offender. An atypical offender, an armed robber, murderer, even a burglar, will be important enough for the officer to miss his lunch, but not a speeding ticket.

When his shift is nearly over, an officer will avoid making time-consuming arrests.[4] If an officer arrests a drunk driver just as he is returning to the station, he will be an hour and a half late in getting off work and he may not be compensated for this time. The nearness of the end of the shift causes a lack of action for many offenses, and action on others is often abridged, people are warned or cited instead of being arrested. Part of the officer's habituation to offenses includes a notion of the time consumed in processing them and he takes this into consideration in making his decisions.

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[4] Officer Minderman comments: "After a few years on the job, you realize that your time is more valuable than an end of the watch misdemeanor beef. It is like 'pushing sand against the tide.'"

The officer's rating of the priority of various calls will affect the attention he gives to each. When he has been assigned to a call by radio, he will usually overlook the Vehicle Code violations he passes on the way, because the call just might be urgent, and a prompt response is good public relations in any event. If the call is a "hummer" (i.e., "humbug") or is clearly not serious, as for example a call to investigate a man and a woman in a parked car, the officer may take his time in responding, make a car stop or two, check out a suspicious person, all in the hope that the situation will have resolved itself or that the couple in the car will be G. O. A. (gone on arrival).[5]

There are other sorts of personal business which an officer may attend to on duty which will be more important to him, in fact, than whether or not some offender is brought to law. No one can force an officer to work, and if he wants to put personal business first, he can avoid doing anything for eight hours a day. I once rode with an officer who ignored a call for fifteen minutes so he could watch a movie preview at a drive-in theatre, apparently a typical action for him.

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[5] Officer Minderman comments: "A veteran officer once advised me to respond slowly to bar fights, because, when you arrive, the fight may be, 1) over, 2) participants g. o. a., 3) if still going, the participants will be tired."

The mood that an officer is in may well affect his selection of legal or non-legal realms for the disposition of offenders; it may also color his typification procedures so that offenders are placed in more or less serious types with resulting consequences for their disposition. His mood may arise from events in his personal or work life. It may seem unjust to get a ticket rather than a warning because the officer's wife crashed his car last night, but it is not an uncommon response to such frustrating experiences. Some evenings an officer may feel like being death on some sort of violation and may spend his entire evening jailing people for it. Other times he may feel good and not write a ticket all day. On occasion, he may be in a black mood, seething with anger, and the offender with a bad attitude may get much more response than he bargained for. This sort of mood is often created by encountering a number of offenders each of whom has a hostile, unfriendly demeanor. After ten or fifteen in a day, the officer's temper gets the better of him and he lashes out at the luckless offender and creates another cop hater. As long as police officers are people, their moods will affect their actions. Since their actions are routine to them, the effect does not seem great subjectively, but may seem great to the offender for whom the officer's animosity is a disaster.

Each police officer evaluates different offenses differently. Each may have been exposed to the same training, but each has been exposed to a different pattern of offenses, and to different outcomes of enforcement. It is from these personal sedimentations in consciousness that an officer comes to think of one offense as a dire crime and another as hardly being worth police action. Other things being equal, he will enforce the law against those activities he considers most serious more actively than he will enforce the law against other activities. Although this predisposition is most important in "on view" offenses where the officer is the complainant (because he can take independent action in these areas), it also may be manifest in his habitual solutions to problems with complainants (an officer can often control the behavior of a complainant to achieve the ends he desires by making his course of action seem best to the complainant). One officer may stop every taxi he sees and check it from one end to another for violations, another officer may never stop a taxi but may arrest two or three drunk drivers an evening, still another may write only speeding tickets, another will "spot" stolen cars, and another will arrest drunks. In part, these different patterns of enforcement may reflect beat problems, and in part, the officer's own inclinations. His inclinations enter into his choice of realms of knowledge, and into the sub-strategies he picks from each realm. The probability of being arrested thus varies with whether the offense is witnessed by an officer who is concerned about it.

Some offenses will be defined as being "serious" or "worthwhile" by many officers in a department. These are offenses which the police culture defines as serious, such as any "good" felony with a weapon involved. They come to be so defined when the police perceive that the public or the courts are disturbed. They may also achieve this status because they violate the conventional morality which most police officers share. Another way for an offense to become defined as "serious" is for the administrative hierarchy of the police department to place special emphasis on it as a matter of policy.

The overall pattern of law enforcement is an aggregation of officers' individual patterns, conditioned by systemic demands.[6]

Situations

The Traffic Stop.--When an officer stops an automobile, he already knows that a crime has been committed and that the responsible party is at the wheel of the car he has stopped. The realm of legal knowledge is engaged and the sub-strategy is to write a ticket, or, in rare cases, to arrest the driver. The realm of non-legal knowledge is also engaged because the officer knows that this offense is only different from the five to ten million other traffic offenses which will occur in Westville that day in that he witnessed it and decided to stop the driver. He knows that traffic offenses are not considered serious crimes by the public and that unless the violation is clear and possibly dangerous, popular morality is silent. He knows that the ends of justice and the correction of driving habits may be better served by a warning than by a citation. He knows from habit that all of these considerations are relevant and that his choice is to cite or not to cite. He knows that his ticket will produce revenue for the city and will keep up his production norm of a ticket a day (patrol, not traffic division norm), and both of these considerations influence him to write some traffic tickets but not necessarily this one. He has already decided that he has the time and the inclination to write a ticket or he would not have stopped the car. As he approaches the car, with his gun hand free in case he is fired upon, all of these considerations are in his mind. The violation which he observed may be so serious that he is determined to write a ticket, or so trivial that he intends only a warning.

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[6] The phenomenological approach used to this point is partially derived from Peter L. Berger and Thomas Luckmann's The Social Construction of Reality, Doubleday, Garden City, N.Y., 1966. Also relevant is Melford E. Spiro's "Culture and Personality: The Natural History of a False Dichotomy," Psychiatry, 14, February, 1951, pp. 19-46.

In the normal course of events, the "attitude" of the driver helps him to make up his mind. If the driver is abusive and hostile, or contemptuous, he gets a ticket. If he is extremely abusive and calls the officer a "dirty bastard," he will probably go to jail if the officer can find or provoke any violation serious enough. For example, one partner told me this story:

> "I saw a car coming toward me weave across the yellow line. I turned around to follow him. He was speeding, about 15 m. p. h. over the limit. I hit him with the red light, intending to warn him about the speed and check to see if he was drunk. He didn't stop, so I turned on the siren as well. After about five blocks, he pulled over real slowly. When I got up to his window, he leans out and says, "What the fuck do you want?" By the time I got through with him, I had cited him for "no registration in possession," "no license plate light," "defective turn-indicator light," two counts of "crossing double yellow line," "excessive speed," "failure to heed an emergency vehicle," and "headlights out of adjustment." He wouldn't sign the ticket because it wasn't his car, so I cited him for "failure to sign." He pushed me when I started to pat him down, so I cited him for "interfering with an officer," and he swung at me when I started to put him in the back of the police car, so I cited him for "resisting arrest." I also cited him for "disturbing the peace" and for a Westville Municipal Code profanity violation. The final result was that, instead of being warned about speeding, he paid $200.00 in fines, spent 60 days in jail, two years on probation, and lost his driver's license."[7]

If the driver is polite, remorseful, and pleasant, he will probably not get a ticket unless the violation was serious, the officer has to have the ticket for his rating, or so unserious that it will cost nothing (for example, an equipment violation which can be cleared by having the defect repaired). If the driver is neutral, then the other considerations, seriousness of offense, and ticket norms, will decide. Should the driver be able to make some area of knowledge relevant to the officer, he may get off. For example, should he point out that a ticket would be wrong (not moral) because he had just dropped a cigarette and was weaving because he was trying to pick it up, the officer may let him go. If he can engage the institutional transaction area by proving himself to be a police officer, he will be let go. Should he be able to prove that the act was not illegal, which is rare, for example, because he is handicapped and has a permit to drive in forbidden areas, he will be let go.

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[7] Field Notes.

Should the officer charge him, he can select a single charge or multiple charges. He may point out the multiple charges to "sell" a ticket for a single charge; so, if a person was stopped for speeding, drunken driving, and equipment violations, he might only be charged with speeding because that would help the officer get his ticket norm (an equipment violation would not) and would not involve the legal hassle of a drunk driving charge. The officer would point out that he was letting the driver off easy, which gives the appearance of fairness and morality.

Report Taking.-- Many offenses are called in to the police department and an officer is sent to the home of the complainant to take a written report. The type of report he takes, and the ultimate disposition of the case, depend on his assessment of the realms of knowledge relevant to the situation. If a crime, such as burglary, has clearly taken place, he will fill out a complete report. If he feels that a crime might not have taken place, he fills out a "suspicious circumstance" report which will probably result in little police action. If he thinks the complaint is a "humbug," he will fill out an assignment card to account for his time.

In going to take a report, the officer is alert to the possibility that a loss is being reported as a theft for insurance purposes. He is alert that a report of a stolen car may be used as a cover when the car has been involved in an accident. He knows that a person will occasionally complain against a neighbor without real cause to create trouble. He knows that if certain reports are filed, the police department will have to go to a large amount of trouble and, if the report is false, it will be useless. Thus, before engaging the legal realm, he is concerned to find the motivation of the complainant. To this end, he attempts to find if some interactive institutional transaction is taking place, or if a legitimate crime has occurred. He takes the circumstances surrounding the presentation into account by making his non-legal knowledge of complainant behavior relevant and he takes the presentation into account by examining the complainants possible motivations as revealed in his apparent attitudes toward the process. If he is satisfied, he proceeds to take a full report.

Family Fights.--An officer knows that he has little legal remedy when he goes to a family fight. Only public drunkenness or an attempted assault in his presence, or an action which could be construed to be Assault with a Deadly Weapon routinely give him the right to arrest anyone. Knowing this, he uses his non-legal knowledge and his powers of moral suasion to convince the participants they should stop fighting. If he has established a reciprocal typification with the participants, he may treat the fight with little seriousness and the participants may treat him only as a pause between rounds of the fight. Family fights are frustrating to some officers because they feel that they can't do anything to solve the problem, and they are right. They have no legal recourse, and it would not be of much help if they did. One does not solve interpersonal problems by putting people who must later live together in jail. His non-legal knowledge is not likely to appeal to the fighters because it is based in a different social milieu, as is his conception of morality. (Exceptional officers may be able to project themselves successfully.) Officers are habituated to the family fight situation, but it is a dead-end habituation. On occasion, situational demands will incline the officer to take some sort of action so that he need not return that evening. He may thus lure someone outside and arrest him for public drunkenness, or he may let a verbal dispute continue until one party takes a swing at the other and then arrest for assault.

Neighborhood Disputes.--Like family fights, neighborhood disputes rarely have legal solutions. The officer may invoke his non-legal or moral knowledge to suggest alternatives to the disputants. He acts almost wholely as a moral agent for, even should one party have committed an offense against the other, the situation is generally so confused that an arrest would vindicate one party, chagrin the other, and leave the situation worse when the prisoner was released. Some officers have developed a technique of going to both parties and agreeing with the story that each tells about the other and then suggesting that if the other is that bad it would be best to stay away from them. This solution may work so long as they stay enemies but, should they compare notes, the officer's effectiveness will be destroyed for future fights.

Real Crimes, Felonies.--When a "real" crime has taken place, the officer's problem is simple. If he can apprehend the suspect, he can make the legal realm alone relevant. Non-legal considerations are seldom relevant, morality supports his action; he has a typical offender category among his habituations to process the suspect. Apprehending felons is coin in the bank so far as the police department's institutional transactions with the community are concerned. The attitude of the offender is largely irrelevant for the officer though it still may affect his ultimate disposition, and the various situational demands which might interfere with marginal activities are suppressed when dealing with the felon, who is the proclaimed *raison d'etre* of the police.

Although these examples are too brief and are still highly abstracted, they illustrate some of the important characteristics of various situations, the realms of knowledge called into relevance, and the possible outcomes. Though the police officer is a specialist in law and legal solutions, it is fairly rare that a situation will present itself which can be dealt with solely in the legal realm. A peace officer must keep the peace by various means; a law officer, such as a detective, may make a larger portion of his decisions on the basis of legal considerations.[8]

Conclusions

The police officer makes his decisions on the basis of "common sense" which he learns over a number of years. As he learns of and deals with situations, he finds out what is relevant to various kinds of situations, and, in the future, similar situations trigger the bringing to consciousness of the relevant realms of knowledge.

He learns about law from the Penal Code, from training, from guided experience, which is most important, and from his own experience. What he really learns is the police-law culture, which guides his actions.

He brings a certain amount of non-legal knowledge into police work with him, which he combines with his experience with interpersonal problems, to come up with alternatives for the people he deals with non-legally.

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[8] Officer Minderman comments: "This chapter impresses me--accurate and unbiased."

The police officer brings an enculturated sense of morality to police work and has to put it to work in a wide variety of situations.

He typifies his experiences and checks his typifications by a continuing feed-back process which allows him to call up the relevant realms of knowledge and the appropriate strategies for different typical situations. Should the strategy not work, he decides in what way the situation is atypical and he takes this problem into account the next time he confronts a situation.

He gets to know the institutional transactions which are taking place, and, when they are relevant to a situation, he takes them into account in his decision-making process.

The attitude of the offender is important in deciding his disposition where the other realms of knowledge do not offer solid guides. "Bad attitudes" get legally processed, "good attitudes" go free, in general, partially because they are evidences of the existence or non-existence of other social controls.

Various situational demands, such as eating lunch, getting off work on time, and the officer's own subjective priority of offenses are at least as important as the realm of legal knowledge in the decisions about what to do about routine offenders. Crimes are overlooked when it would inconvenience the officer to deal with them and they are not extremely serious.

From individual patterns of offense relevances, the overall pattern of law enforcement is built up.

In traffic stops, the offender's attitude is important; in report taking, anything which throws light on the complainant's motives is relevant; in family fights, non-legal knowledge is relevant; in neighborhood disputes, non-legal knowledge and moral knowledge is relevant; and only in "real" crimes, felonies, is legal knowledge most important.

CHAPTER VI

LEGAL AND SEMI-LEGAL SOCIAL CONTROL

Law serves different purposes for different groups in society. For the moralist it codifies morals and provides sanctions for their violation. For the legislator it is the end product of his work, which has taken account of certain felt needs, pressures, and limitations. For the judge it is a set of guidelines. For a lawyer it constitutes the rules of his game and the field in which it is played. For the offender it stands as an official social prohibition against his behavior. For the uninvolved citizen it is a representation of morality, order, and society which applies, largely, to other people. For the police officer law is a legitimator of his activities, a part of his environment, and a tool of his work.

Many, many laws have been created for specific purposes by national, state, and local lawmaking bodies. No one person, no matter how broad his interests, can know more than a fraction of the laws on the books. Even taking only criminal codes:

> "...it is doubtful if there is one law enforcement officer in the United States who knows all the laws, ordinances, and regulations he has sworn to enforce."[1]

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[1] Norman L. Clowers, Patrolman Patterns, Problems and Procedures, Charles C Thomas, Springfield, Ill., 1962, p. 106.

As a consequence, there intervenes between the idea of law and the enforcement of law the knowledge of law of the group empowered to enforce it. Each individual officer has his own pattern of knowledge of laws, those that he uses regularly, and those that he knows of and can use when he wants to if the occasion arises. The sum of these individual knowledges constitutes the laws which are routinely attended to by the police as an organization. Some laws could be characterized as being well known to many police officers, others as being well known only to a few who specialize in some area covered by these laws, and many laws are well known to almost no one, but exist in the books either as residue or as potential. Laws of arrest, disorderly conduct, disturbing the peace, robbery, rape, murder, burglary, theft, and certain Vehicle Code violations constitute the stock of laws known to 'many' police officers. Outside of this area, an officer will check with another officer or with the appropriate legal code if the law in question is not well known to him. The application of many laws thus depends on the social stock of knowledge held by the officer and his fellows.

> "...a large part of the social stock of knowledge consists of recipes for the mastery of routine problems. Typically, I have little interest in going beyond this pragmatically necessary knowledge as long as the problems can indeed be mastered thereby."[2]

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[2] Peter L. Berger and Thomas Luckmann, The Social Construction of Reality, Doubleday & Co., Garden City, New York, 1966, p. 40.

The officer's interest in going beyond the usual stock of laws he attends to and seeking out a specific law to deal with an unusual situation thus becomes critical in many areas of "law enforcement" and the officer's interest may be aroused by circumstances in the social situation as well as by abstract ideals. Thus, for example, when the Black Panthers, a group of armed Negroes, appeared in the California Legislature, they were arrested as soon as possible, and the search then began for a law to justify their arrest. They were finally charged with felony conspiracy to commit misdemeanor "disturbance of the Legislature," from an obscure section of the California Government Code,[3] since they had not violated any of the laws which constitute the social stock of knowledge of usual criminal procedure.

Many laws were designed to uphold customs as they were construed when the laws were written. When changes in customs *de facto* take place, these laws tend to be underenforced by the police who largely prefer working within the current consensus of society. The laws survive and are occasionally enforced, producing a great feeling of injustice in the luckless defendant. Thurman Arnold has suggested the reasons that such laws are not repealed:

> "Most unenforced criminal laws survive in order to satisfy moral objections to established modes of conduct. They are unenforced because we want to continue our conduct, and

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[3] "Black Panthers Charged," *San Francisco Chronicle*, May 4, 1967, p. 8.

unrepealed because we want to preserve our morals."[4]

The customary (secondary control) basis of law is undermined by the enforcement of laws (tertiary controls) against behavior that people do not feel (primary controls) is wrong. The police thus are responsive to the customs and morality as well as the laws of society. When the two are in accord, there is no problem. Customs and law agree on most common-law crimes and on many forms of behavior which are legal, and considered moral, because they have never been legislated against. For acts which are considered immoral but are not illegal, a latent public pressure may be mobilized by moral entrepreneurs to get restrictive laws passed.[5] The repeated outlawing of various new drugs as they become popular is an example. As soon as it becomes widely apparent that a person can get "high" by the use of some substance, the machinery for passing a law against it goes into motion. Recent laws have prohibited the sniffing of glue and the ingestion of lysergic acid diethylamide 25. The number of potential intoxicants is practically limitless, and many of them are legally used for other purposes, so laws against them must necessarily be incomplete. The fact that laws are passed, however, indicates that a large portion of the population considers the use of drugs to be immoral, dangerous, or both.

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[4] Thurman Arnold, The Symbols of Government, p. 160, quoted in Wayne R. LaFave, Arrest, Little, Brown & Co., sine loco, 1965, p. 95. Another way of stating this is that primary and secondary controls disagree and tertiary controls are uncertain in this situation.

[5] Howard S. Becker has discussed "moral entrepreneurs" in Outsiders, Free Press, New York, 1963, Chapter 8.

When a law exists against behavior which is not generally considered immoral, or which the police do not consider particularly bad, as is the case in some "crimes without victims," the police officer may take into account the relationship between the actors as well as the act.[6] Should the actors have willingly entered into the behavior, or should the supposed victim actually have been the instigator, as often happens in cases of statutory rape, the police may "mediate between the formal law and the demands of the situations presented to them."[7] On the other hand, they may choose to take a strictly legalistic view should they be so inclined and no one can have legal reason to object. This produces one of the large areas of discretion which the police enjoy.

Law as a Weapon

Thurman Arnold has suggested that law be looked upon:

> "not as something to be enforced because it governs society, but as an arsenal of weapons with which to incarcerate certain

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[6] William A. Westley, The Police: A Sociological Study of Law, Custom, and Morality, unpublished Ph. D. dissertation, University of Chicago, 1951, p. 123.

[7] Jerome H. Skolnick and J. Richard Woodworth, "Bureaucracy, Information and Social Control," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, p. 132.

dangerous individuals who are bothering society."[8]

He goes on to suggest that law should be enforced with discretion rather than attacking on all fronts at once. Discretion is, of course, a fact in law enforcement and it allows the police to use law as a much more effective weapon than would be the case if all offenders were automatically arrested. A variety of court restrictions restrain the police from using these weapons for self-serving ends.

Law is used as a weapon of police power in some instances, generally when it is being used as a weapon to incarcerate a dangerous individual who is bothering society. Even when it is being used in this manner, some attention is paid to the proper legal forms as the courts stand ready to release prisoners whenever it can be proved that the police acted illegally.

In many cases the police become agents of social control only in reaction to the wishes of a complainant and do not get involved otherwise, even though they could.[9] This pattern of action seems to arise when there is a victim, in some sense, but where the legal case would not be very impressive to a judge or jury were the victim not to desire prosecution. If the person who suffered the "loss" is willing to forget it, a sense of "natural" justice applied to interactive transactions inclines most people to think the act which caused the loss should not be severely punished simply for itself. Thus much of the effective social control stays at the secondary level and does not become a police or legal matter. If the police do get involved, then the laws which regulate the behavior are the weapons they have to use.

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[8] Arnold, op. cit., p. 153, quoted in LaFave, op. cit., p. 65. This could be read as suggesting that tertiary controls should be used to take care of actual deviations whether or not they happen to be illegal, or that laws should not be used to "create" deviations.

[9] Skolnick and Woodworth, op. cit., p. 117.

Multiple Charges and Police Discretion

When an officer has two, three, or a half-dozen laws, each with different penalties, some mandatory, to choose among in charging a prisoner, he can exert an immense amount of influence over the final disposition of the case merely by his pattern of selection. On one occasion my partner apprehended a juvenile purchasing liquor using a false identification card. He could have charged him with possession of liquor, possession of a false identification card, purchase of liquor illegally, and possibly some other offenses. He chose to only charge the "possession of a false identification card." His reasoning was interesting:

> "I just charged possession of false I. D. because if I had also charged possession of alcoholic beverage the judge would have said that the possession of false I. D. was an included offense, and he would have dismissed it. Then he would suspend judgement on the possession of alcoholic beverage charge, and the kid would get off with only an evening in jail. The minimum fine of $100.00 is mandatory for possession of a false I. D. and the judge can't dismiss it if he pleads guilty. Since I saw him make the purchase he will probably plead

> guilty, so by just using the one charge I make sure he gets what's coming to him."[10]

This same discretion in charging is used by police officers when they are arresting someone to abate some disorder. Anyone can get out of jail on bail within a couple of hours after being arrested if he can make bail. Various offenses carry different bails and should the police officer feel that the offender should remain in jail, he can pick the applicable charge which carries the highest bail, which makes it more difficult for him to get out. On the other hand, should the officer not feel particularly punitive, he can pick the lesser charge.

On occasion a special purpose law which specifically describes an act will also be encumbered with a number of evidentiary requirements which make it difficult to use. Such is the case with the prostitution laws. In order to build a case, it is necessary to have a solicitation which includes the price and the nature of the act offered. The prostitutes are aware of this requirement and are not likely to give out this information if they suspect that their "client" is an officer. When prostitution becomes a matter of public concern and the police department is under pressure to "do something" about it, the law which specifically prohibits prostitution is of little use because of this requirement. Although Westville has some prostitutes, they have not been the target of public outrage as has been the case in nearby Mountain City. In Mountain City when the police desired to sweep the streets of prostitutes, they had to resort to arresting them for being "Public nuisances." The apparent intent of this law was to apply to objects rather than persons as it refers to "anything" rather than "anyone," but a co-operative judge apparently allowed the arrests to stand. The use of this law allowed the police to arrest without fulfilling the requirements of the law which specifically prohibited the behavior.[11]

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[10] Field Notes. Since the juvenile in question was a Job Corps Trainee, I thought this disposition unnecessarily harsh, but apparently it was part of "policy," official or unofficial, to make it 'hot' in Westville for Trainees on weekend passes. The juvenile plead "guilty" to the charge.

This discretion built into the law has two effects. The first is that it makes the abstract and formal law subject to human interpretation in its application to human situations, which may be good or bad depending on the circumstances; the second is that it makes the law a much more powerful weapon in the hands of the police as it increases their power over the offender and allows them a measure of discretion over his disposition. This latter makes police work more effective in some cases but also more open to private abuse on the part of the police department or the individual officer. There is little to choose, however, as an abstract and formal set of mutually exclusive and exhaustive laws covering all situations unambiguously would be impossible to draft, and, if enforced without discretion, would necessarily be unjust in human terms in many cases.

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[11] Officer Minderman comments: "As public pressure mounts, more power evolves into the hands of the police department." What his comment indicates, in my opinion, is that as a problem comes to be perceived as important by those in institutionalized interactive relationships with the police, the courts and newspapers particularly, they must loosen their institutional controls over the police. A newspaper cannot easily be against the police and the prostitutes at the same time.

When an officer decides to invoke the law in a situation, that is, when he decides that the best solution to the problem he faces is the application of tertiary social controls, he must next decide whether or not he has met all of the established requirements for the legal processing of his prisoner. If he has, in his opinion, and in the prosecutor's opinion, met these requirements then the entire social control process is shifted from the interactive level where "reality" is experienced to the legal level where it is recreated. Many problems are associated with this shift of realities.

Transformations of Reality in the Legal Process

> "Thou shalt not bear false witness against thy neighbour."
> -Exodus, 21:16

Acts exist. Acts are apperceived by consciousness through typifications derived from subjective realities. An act, being-in-itself (être-en-soi, in Sartre's terms),[12] the being of the phenomenon, is without inherent meaning. All meaning is socially assigned to acts by the individuals who come to know of them, on the basis of their own understanding of the relationship of the acts to some reality. An act may be taken to serve as an indicator of the subjective intent of its perpetrator, an indicator of greater or lesser clarity, whether or not the act was intended to stand as a sign of his subjective intent by the perpetrator.[13]

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[12] Jean-Paul Sartre, Being and Nothingness, Philosophical Library, New York, 1956, p. 629.

In law, for an act to constitute a crime, there must be a unity of act and intent (or criminal negligence). The act is basic and must only be linked to the perpetrator, while proof of intent, which is an aspect of the subjective reality of the perpetrator, must depend on his own linguistic objectification of his intent or upon an inference from the conditions surrounding the act, as they were perceived, which tend to support the assertion of intentionality. For many actions the ordinary consequences of the voluntary action are presumed to be intended, and if the act itself was unlawful, unlawful intent can be presumed. For other acts, specific intent must be proven.[14] Thus, the problem in an assertion of criminality is twofold. First, it must be proven that the actor committed the act and that he intended it. Second, it must be proven that the act itself constituted a specific crime. The procedures for proving these two contentions consist of a set of rules for transforming perceived acts into linguistic objectifications and comparing these with linguistic descriptions of the prohibited acts to determine culpability. In addition to these procedures, there are provisions for reviewing the application of the transformational rules to determine if they were "correctly" applied to the specific case.

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[13] Berger and Luckmann, op. cit., p. 34.

[14] All points of law are from the Penal Code or Evidence Code of Westville's state. Since no esoteric points of law will be made, specific citations are unnecessary and would only reveal the state, thus pinpointing Westville. Most states' basic laws are somewhat similar as they are all codifications of common law.

Divergent Realities Produce Divergent Typifications of Acts[15]

An act may be typified heteromorphically in many distinct realities. In each case elements of the act relevant to the typification in a specific reality are attended to and selected out in the typification process. The typifications of an act are therefore not isomorphic between realities. Consequently, assessments of the act based on these several typifications will differ markedly.

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[15] The word "typification" may be subject to some misinterpretation. When Alfred Schutz uses the term, he means that we experience a world which has mountains, trees, animals, and fellow men, not a world which is a "mere aggregate of colored spots, incoherent noises, centers of warmth and cold" (Schutz, Collected Papers, Vol. I, Martinus Nijhoff, The Hague, 1962, pp. 7-8, 208). When Berger and Luckmann (op. cit., p. 29) use the term, they mean "schemes in terms of which others are apprehended and 'dealt with' in face-to-face encounters." I take Schutz's meaning as primitive typification and Berger and Luckmann's as complex. In the course of this chapter, I am using Berger and Luckmann's idea of typification rather than Schutz's because I am interested in the attribution of criminality on the basis of actions, which involves complex typification procedures which vary radically with the typifier's subjective reality.

Take, for example, a person who is a narcotics addict. He is seeking something to steal that he can sell to buy heroin. Late at night he sees a portable television set through the window of a house. He finds a spade and uses it to force open the locked window, climbs in and picks up the television set. As he is leaving the house with the television set under his arm, via the window, a patrol car flashes its light down the side of the house and the officer sees him. He is apprehended and taken to jail to be charged with burglary of the first degree.

The burglar, up until the time of his apprehension, had considered his burglary to be an instrumental act. He needed money and no legitimate source could supply enough. This burglary was in no way different from the other burglaries he had committed in the past. He knew that most of the houses he burgled had insurance, and he thought the owners probably added other fictitious losses to what he took when they reported it, so he felt that they were no better than he was. As he began to enter the house he felt a sense of excitement and fear. He was thankful that no one awoke when he pried up the window. As he was leaving he saw the spotlight and knew that flight was hopeless. He wondered how he could get word to his connection that he had been caught. He felt the ground as he dropped to it and the handcuffs when the officer put them on. Then he began to think of what would become of him. That is his reality.

The officer was patrolling his beat. He was flashing his light up alleys and between houses because a rash of burglaries had occurred on his beat, and from the modus operandi it seemed to be an opportunistic hype-burglar.[16] When he saw a man leaving a window with a television set under his arm, he immediately typified him as a burglar, probably the man he was looking for. Drawing his sidearm, he stopped his car and jumped out. He ran down the side of the house and shouted for the burglar to fall to his knees, which he did. The officer then took the burglar and locked him in the back of the car. He picked up the television set and put it in the trunk for evidence, explaining to the occupants of the house that it would be returned later. He then began to look over the situation to see what he had. Starting with the idea that he had captured a burglar, he searched for the means of entrance. Finding the pry marks and the spade, he called for an evidence technician to take photographs, and he began to make out his report. When the patrol wagon came in response to his call, he sent the burglar to jail. These are some elements of the officer's reality and his typification of the person he caught as a burglar.

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[16] A hype-burglar is a narcotics addict who steals to support his habit. Typically, he is involved in auto-boostings and the theft of anything which can be eventually converted into narcotics.

When the two typifications clash, as they usually do, the typification of the police officer prevails for the moment because he has been given the right to arrest and detain persons, using necessary force, when he has "reasonable cause to believe that the person to be arrested has committed an offense in his presence." It is rare in situations such as this that ideas of the act committed will differ greatly, but the meaning of the act is quite different for the offender and for the officer, and since he is society's agent, the officer's view is provisionally upheld by the legal system.

On rare occasion there will be a reciprocal typification wherein both the officer and the offender will define the situation in remarkably similar ways, given their divergent realities. The frequently arrested alcoholic and his arresting officer may both come to view his usual state as being "drunk and incapable." This reciprocal typification speeds the offender's acceptance of the officer's view.

The offender, who is now a defendant, consults with his attorney or with the public defender to ascertain the possibility of having the officer's typification of the situation set aside, the reenforcing of his own no longer being much of a question. His attorney, or the public defender, examines the crime that he is charged with and sees if it has the elements which are "typically" associated with such crimes. The attorney may then, if the crime is not unusual, propose to his client the possibility of a "deal" whereby the burglary charge will be reduced to "petty theft" in return for a guilty plea.[17] If the client accepts this offer, he will go to jail, albeit for something he did not do, and the officer's typification of him as a burglar is upheld by default. An entire typification process, based on the officer's report which gives the elements of the crime and on the routine defendant's characteristics, is employed to see if the present burglar is a burglar "like others," which involves:

> "regular violators, no weapons, low-priced items, little property damage, lower class establishments, largely Negro defendants, independent operators, and a non-professional orientation to the crime."[18]

These are the attended elements of reality in the work life of the Public Defender and the District Attorney. Should the defendant be atypical or should his crime be atypical, or should he refuse to make a deal, to "cop out," his case will go to trial and the typification procedure of the officer will be called into question. If the officer were to have made a gross error of law in his original apprehension, the District Attorney would probably drop the charges entirely, so those cases which do go to trial tend to be legally correct, so far as is known.

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[17] David Sudnow, "Normal Crimes: Sociological Features of the Penal Code in a Public Defender Office," Social Problems, 12, 3, Winter, 1965, pp. 255-276, discusses this process in detail. Especially p. 260.

[18] Ibid., p. 260.

The Officer's Typification is Compared With Common-Sense Typification

The officer must state the means by which he came to feel that the defendant was a burglar. He is required by law to have had "reasonable cause" to believe that the defendant was a burglar to arrest him. Reasonable cause is that state of affairs which would lead a reasonable man to a strong suspicion that the offender had committed a crime. By introducing the "reasonable man" and his typification procedures, a kind of secondary societal control is placed on the socialization of the police officer to police perceptions. The reasonable man uses common-sense knowledge to come to make inferences about possible criminality, not the specialized perceptions of the police officer. In the burglar case mentioned, the officer could state that he saw a man leaving a building with a television set, via a window, late at night, and from these facts he inferred that the man was a burglar. Had he simply stopped a man on the street for no reason at all and searched him and found evidence of criminality, the evidence so discovered would not have been admissible. If police officers were allowed to stop and search citizens without any justification, and a common-sense justification appeals to most people as a reasonable one, the officers would be independent rather than social agents in their apprehensions.

The importance with which this typification conformity is viewed may be seen from the fact that the courts routinely reverse convictions of people who have been proven guilty, if the essential evidence was gathered by illegal search or by any procedure which cannot be justified in terms of common sense. While society gives the police officer the warrant to typify behavior as criminal, it restricts him, in theory, to typification methods which an ordinary person, using common sense, would use in a similar situation.

In the courtroom that act which is under discussion is quite remote. All the people concerned are in the courtroom, not on the street, the burglar is wearing a suit and tie, and it is daytime.

In order to test the officer's typifications against common sense, the court must know what they were, and the only way in which they can be made present is by being linguistically objectified and introduced. The entire act is linguistically objectified by the various participants in order to bring to the reality of the court the reality of the street. Reality at the court level is almost entirely linguistic objectifications of past experiences, and these are taken as constituting the "facts" of the case.[19]

There are three uses for the linguistic objectifications which are brought to the court.

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[19] Berger and Luckmann, op. cit., p. 38, point out the role of linguistic objectifications in making "present" people from the past and in bridging realities.

First, the officer must objectify his thoughts and actions in the situation. This may be exceedingly difficult because many elements of the situation, elements to which the officer attended without consciousness of attendance, lack linguistic objectifications. It may be that the elements which excited his attention were subliminally perceived--smells, walk, strange sounds--and never brought into consciousness.

Second, the officer must demonstrate linguistically the isomorphism of his objectification with the presumed common-sense objectifications and typifications which would have been made in a similar situation. (In fact, the specialized perceptions of the officer tend to be taken for granted. If an ordinary person were in the situation with an officer who pointed out the clues to which he was attending, he might come to the officer's conclusions, but he almost certainly would not do so alone. Witness the number of people who have seen crimes in progress without realizing it.)

Third, the prosecution must demonstrate that all the elements of the crime as specified in abstract language in the Penal Code have been proven by the linguistic objectifications, that is, they must prove that the two languages, one from the Code and one from the act, correspond in all particulars. Suppose that our burglar were caught while it was still dark outside and first degree burglary were charged because it was in the nighttime. Suppose further, however, that the defense could prove that the offense actually took place after the "official" sunrise, even though it was still dark. Situationally, the offense is the same, a man was burgling in the dark, but legally it is no longer first degree burglary.

Linguistic Objectifications Must be Accurate or Transformation is Defective

The act cannot be re-created. Even if the entire court were moved to the house and the accused burglar were told to come out the window with the television set, there would be no sensible way of determining whether he was doing again something he had done before or whether he was simply acting out instructions based on linguistic objectivations of someone else's experience. Since the crucial link between the act and the assessment of the act in court is the quality of the linguistic objectivations of the participants, and since in adversary proceedings a person might be motivated, in consideration of his own interests, to falsify his objectifications, regardless of which side he is on, it is necessary to establish both general and specific rules and punishments to control the quality and veracity of these objectivations.

In general, the quality of linguistic objectivations is insured by the prohibition against the introduction of hearsay evidence. Hearsay evidence is evidence of a statement that is offered to prove the truth of a matter which was made other than by a witness while he is testifying at the hearing. Were the rule enforced without exceptions, it would allow only the people who actually witnessed an act, and who were also in the court and sworn to testify, to speak of it. There are numerous exceptions which take into account the special nature of utterances, or the special conditions which might not allow the speaker to appear. Thus dying declarations, spontaneous declaration, Bible entries offered to prove family relationships, evidence of inconsistent statements by a witness, and so forth are often admissible. These necessary compromises allow the work of the court to continue when it would be impossible under a strict interpretation of the hearsay rule. With these exceptions, all evidence which is offered is first-hand, a linguistic objectivation made by a witness and entered directly into the reality of the court. Thus, at this level of court, the act is represented by the participants and witnesses through their own objectifications of their own experience. Procedures exist for directly examining, cross-examining, redirectly examining, and recross-examining witnesses to bring out through their objectifications facets of their experience which bear on the "facts" of the case.

Even though only those experiencing the act are allowed to testify, it is possible that they will lie about their experiences. In order to keep this from happening, laws against perjury have been enacted, providing penalties for falsifying linguistic objectifications.

In the reality of the court where all evidence is objectified, perjury is decided by the weight of numbers of objectifications. Thus the testimony of two witnesses or of one witness and corroborating circumstances, in other words, two agreeing linguistic objectifications, are required to prove the perjury of a witness, that he objectified falsely.[20]

In combination, the hearsay rule and the perjury law are attempts to insure that the transformation from experience to objectification is made correctly so that the jury (or court in some instances) is presented with the "facts" in such a way that they can assess whether or not the defendant is guilty as charged, that is, corresponds to the officer's typifications of criminality. The fact that a jury of ordinary men, not lawyers, judges or policemen, is the trier of fact imposes a second societal common-sense control on the nature of the typifications, and their construction, which can be offered into evidence. While a specialized "trier of facts" would come to recognize many of the difficulties faced by the police in making their typifications and would be more favorable to allowing the officer to testify as an "expert," the rotating jury provides a continuous common-sense audience for the officer to explain his reasonable cause before and to convince of the reasonableness of his typification of criminality.

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[20] Officer Minderman comments: "Perjury is widely practiced by both sides and almost impossible to prosecute."

Preparations for Transformations by Officers and Defendants

The defendant in a criminal action is not usually highly experienced in restructuring his subjective reality and typifications of situations into the forms required by the legal process.[21] His attorney will guide him and, to a certain extent, substitute for the expertise he lacks in making this transition. For example, his attorney will keep him from being examined if he thinks the result will be perjury or an admission of guilt, and he will concentrate on attacking the existential grounds of the officer's typification process, pointing out flaws and non-common-sense assumptions made by the officer. Most defendants go through relatively few court trials in their lives; the consequences are immense, there is little way to learn the best tactics except from personal experience (which is scarce), and the differences between their usual subjective reality and the legal realities of the court tend to set the court experience off as a distinctive event against the background of their usual lives. Defendants may introduce aspects of their own subjective reality in explaining their actions. If this subjective reality is congruent with the experiences of the members of the jury, that is, if the jury finds the defendant's actions "reasonable" under the circumstances, a possibility of acquital exists. Given the fact, however, that defendants are usually guilty, if they cannot disparage the testimony of the officer and other witnesses, the only possibility open is perjury, which is usually unacceptable.

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[21] Officer Minderman comments: "These days it seems that more and more defendants are 'highly experienced' in legal processes."

For the officer, on the other hand, appearance in court is routine. He is prepared both by his training and by his experiences for the possibility of testifying in court, and he has a stock of secondhand experiences of his fellow officers to draw on. He has objectified his subjective reality before, and he has practiced applying court rules to the acts he sees. For example, I was instructed in the proper method for filling an arrest form out for drunks. First, I was to establish my reasonable cause for being interested in the person--I saw him staggering in the park. Second, I give the evidence of my senses--bloodshot eyes, smell of alcoholic beverage, urinated in pants. Third, I give the interpretation I make from those observations--that he is incapable of caring for himself, which constitutes the cause for arresting him. In large part, the social reality to which the police officer becomes socialized in his job is a reality conditioned by court rules and requirements. With the possible exception of very recent changes in evidentiary standards, the officer knows what is admissible and what is not. He knows what he must do to develop "reasonable cause" that will appear to be reasonable to common sense. He orients his investigation around the production of admissible evidence, and the production of common-sense reasonable cause.

In many cases, however, the press of the immediate situation makes it imperative for the officer to act at once and in the absence of "reasonable cause" that would pass the common-sense test. If the result is an evidence of criminality, the officer then is likely to "back up" and figure out the way to proceed which will be admissible. If no such way exists, he may retroject into the situation the necessary elements to support the "common-sense" basis of his typification of criminality.[22] Since the officer is linguistically objectifying his own subjective reality, there are many ways he can stretch it in light of his present knowledge. He can find what would have constituted reasonable cause had he thought of it at the time and simply say he did think of it at the time. He can testify to things he did not see which were there. He can anticipate the situation and put in his initial report items which would have given him reasonable cause had they happened. Finally, and most dangerously, he can simply perjure himself. Few of his fellow officers will testify against him in such a situation, and no one else is likely to be able to.

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[22] Berger and Luckmann, op. cit., p. 147, suggest this process goes on among converts who have switched realities and reinterpret their old reality in terms of the new. Officer Minderman comments: "Also, the defense is entitled to a copy of the incident report prior to trial. Many officers are experienced and adept enough to only fill in the barest skeleton of the offense while keeping crucial details unwritten in their minds, thus keeping information from the defense."

Appeal Tests Questions of Law

Matters of fact (linguistic objectfications) are assumed to have been adequately brought out and decided during the trial. Questions of law which arose were dealt with by the court in the progress of the trial. The appeal will be based on a matter of law. One of the most common is the question of whether the officer indeed had commonsense reasonable cause to typify the behavior as criminal, regardless of its true criminality. It is toward this appellate review that officers often orient their production of reasonable cause.

At the appelate level, transcribed linguistic objectifications are the only sign of the original act. Even the defendant need not appear. On the basis of this transcript and the behavior described therein, the appellate court decides whether the officer, acting in the now quite remote street situation, had reasonable cause for his typifications. A certain amount of misunderstanding arises between the police and the courts as a result of this process. As a case moves through the courts it is "purified" and the factual picture of law enforcement contexts is lost.[23] The "reasonable cause" becomes less and less reasonable to the officer as it discounts his highly accurate probabilistic knowledge of criminal behavior. The effect of appellate review is to review the application of the transformational rules to the concrete case, and if all is correct then the officer's subjective reality becomes objective reality.

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[23] LaFave, _op_. _cit_., pp. 490-491.

As may be imagined, the realities of the street situation do not often lend themselves to formal processing without some stretching of the truth; in many cases, behavior which is actually illegal cannot be processed. In other cases, behavior which is extremely distressing at the interactive level is not actually illegal, but the officer, caught up as he is in the expectations of his own interactive institutions, feels required, or is actually required, to take action nonetheless. This action may still be within the structure of legitimate tertiary social control, but evading some of its requirements, as when the legal process if only partially invoked. This sort of action stands half-way between secondary and tertiary sanctions.

The Process is the Sanction

Defense in court against a criminal charge is an expensive proposition. The beginning of the legal process is usually the arrest of a suspect by the police. A number of safeguards exist which are supposed to limit the arrests that the police make to those in which they have reasonable cause to believe that a crime has been committed, but these safeguards are routinely circumvented by the police when the necessity appears to them to arise. Suits for false arrest are very difficult to collect and in most cases impossible because the defendant is required to stipulate that he will not sue for false arrest before he is let go. The situation is thus that the police can arrest a person with the reasonable certainty that no evil consequences will redound to them and that the defendant will have to pay an appreciable amount in time, money, inconvenience, degradation, and possibly stigma as a consequence, whether or not his case ever goes to trial. Given the power of the police to initiate such a process within the law, it is not surprising that they sometimes do. What is surprising is that they do it with as much restraint as they do. This may be because there are legal controls which might be brought into effective play should they be indiscriminate in their arrests over a long period of time.

Police officers are quite impatient with the many court requirements which make them have a great deal of difficulty in gathering admissible evidence in certain types of cases. The legal process is encrusted with precedents, with appeals, with technicalities of process, and with guarantees for the defendant. In the past, impatience with the legal process has led to the formation of committees of vigilance who proceeded to apprehend wrong-doers and to give them speedy trials using no court precedent, finding them guilty, as indeed they probably were, and proceeding to execute the sentence immediately, without the possibility of appeal, by hanging or banishment.[24] I think

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[24] E. Caroline Gabard, The Development of Law Enforcement in Early California, unpublished M. S. thesis, Public Administration, University of Southern California, January, 1960.

that it is unlikely that we will again see committees of vigilance because public order is much better established than it was on the frontier, and because in our segmented civilization citizens do not collectively feel the wrong of most routine criminal acts as people living in small communities do. In our society, the police officer may be the only person to feel the "wrong" of a gambling game in a back room, or a prostitute plying his or her trade on the streets, or of a group of "hippies" walking around in an intersection. While the officer does not have the right to summarily try the offender and punish him, he can arrest him and let the legal process itself serve as the sanction. Thus the police officer may serve as a one-man committee of vigilance in a complex society.

The consequences which may flow from an arrest vary in seriousness depending on many personal factors in the life of the accused. A drunk being picked up for the thirty-fifth time looks upon arrest as a career contingency, a businessman being arrested for prostitution (under the law the customer is a prostitute as well as the seller) may look upon it as an unmitigated disaster which will ruin his reputation, his marriage, and his business. An extreme case is that of a boy who got his third speeding ticket, which meant an automatic suspension of his driver's license. He thought it sufficiently important to commit suicide.[25] As has been demonstrated, however, any record of arrest becomes a semi-permanent stigma which has important non-legal consequences. Schwartz and Skolnick found that an arrest record which resulted in an acquittal was an important barrier to getting even an unskilled job.[26] In any case, the cost is going to be considerable and the long range consequences ambiguous but certainly not favorable. Arrest for cause is bad enough. Arrest for punishment is an arbitrary use of police power, though one which is understandable in human terms. The drinking driver provides a good illustration:

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[25] "Boy Loses License--Kills Himself," San Francisco Chronicle, 29 November 1966, p. 44.

> "Many police departments, embittered by years of experience of losing obvious cases in the courtroom, finally lose perspective of their true role in society and become, in addition to investigators, a "preliminary court." They go out of their way to insure that all persons arrested for driving under the influence are booked, fingerprinted, photographed, a criminal file ostentatiously opened, and the violator transported to jail. Once in jail they may try, by devious methods, to make his stay there as unpleasant as possible by keeping him in a "bull-pen" with common drunks and attempting to keep him incarcerated as long as possible.
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> Taken independently, each of these police actions is not necessarily harassing; on the contrary, it is routine police procedure. Collectively, these acts are often performed by the police because of repeated failure in the courtroom. They are inspired to this action because of their having witnessed the infliction of death, destruction, and misery by the drinking driver. After going to considerable personal risk to apprehend him, only to see him turned lose to repeat his act, the police officer adopts this attitude."[27]

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[26] Richard D. Schwartz and Jerome H. Skolnick, "Two Studies of Legal Stigma," in The Other Side, ed. by Howard S. Becker, Free Press, New York, 1964, p. 110.

[27] Robert F. Borkenstein, *et al.*, "Problems of Enforcement and Prosecution," Alcohol and Traffic Safety, edited by Bernard Fox

While a disinterested observer might agree with one form of police harassment or another, it is important to realize that a conscious policy of arresting without an intention to prosecute is a misuse of the legal system. The desire to use arrest as a sanction arises from a number of causes, all of which stem from the basic dilemma of the existence of behavior which the officer feels must be controlled but for which he has not the legally granted, and upheld, power to control.

Criminal Behavior with Hard-to-Gather Admissible Evidence

Wayne R. LaFave has dealt with arrests for purposes other than prosecution. For certain categories of criminal behavior he states:

> "The arrest and release practice involving prostitutes, transvestites, gamblers, and liquor law violators is an administrative accommodation resulting in large part from a combination of two factors: (a) the difficulty of detecting the offense by methods which will produce evidence which will be both admissible in court and not offensive to the trial judge; and (b) the fact that conviction in the case of offenders of these types typically results in the imposition of a small fine or other sentence which seems not particularly effective in

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and James Fox, U.S. Public Health Service Publication No. 1043, 1963, p. 150. Many police officers do feel very strongly about the drinking driver, but the laws in Westville appear to be adequate, if complex, and extra-legal punishment is not needed. My personal view, adopted after some police experience, is that the drunk driver is a murderer awaiting only the correct circumstances. After pulling a few people out of smashed cars, it is very hard to be sympathetic with the plight of a man who is going to lose his license for causing it. Officer Minderman comments: "More often a suspect earns this type of administrative handling by virtue of his attitude, the drunk driver is worse than most criminals in that his victim is completely innocent."

> rehabilitating the offender, deterring others, or achieving any objective beyond those served by the arrest and release practice."[28]

In order to show the extent of the practice, LaFave cites statistics from the Detroit Police Department which showed 592 arrests and only 24 warrants for prosecution in six months for gambling, and 420 arrests with 36 warrants for violations of the liquor laws in the same period.[29]

There are two immediate consequences of an arrest without an intention to prosecute. The first consequence is that there is no need to comply with the laws of search and seizure. The officers entered gambling establishments without any pretext of legality.[30] They also arrested "bagmen" without legal "probable cause":

> "... some trial courts have consistently declared arrests of "bagmen" (persons employed by the syndicate to collect numbers slips from individual writers) to be illegal unless prior to arrest the officer has actually observed the slips. This is seldom possible. Arrests are usually based upon the fact that the individual is traveling around in an area of the city where the numbers game is a popular pastime, is making a series of stops day after day at locations where numbers writing has occurred in the past, is making these stops during the time of day when numbers are picked up, and perhaps is carrying a package with "something" in it. Because a right to arrest and search is not recognized as proper by the trial court under these circumstances, police have developed the procedure of making arrests and searches without thought of prosecution

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[28] LaFave, _op. cit._, p. 483.

[29] _Ibid._, p. 473.

[30] _Ibid._, p. 474.

> and instead merely subject the suspects to a brief period of detention. This policy in turn results in the police being even less selective as to who is arrested and searched as a suspected numbers carrier."[31]

The second consequence of an arrest for punitive purposes is that it makes the writ of habeas corpus an additional penalty rather than a safeguard. This is because the services of an attorney in securing a writ cost about $75 at the time LaFave's data were collected, and there would also be a bond fee of a minimum of $30 (10% of $300). The attorneys did not challenge this practice because they apparently thought it better than the alternatives the police would come up with were the practice successfully challenged.[32] In combination, these two practices meant that a suspect could be picked up and held for a time with no sensible way of avoiding it because it would cost considerable money to get out any sooner than the police would release him. This sort of a tactic, a consequence of the perceived discrepancy between the mandate of the police to control such behavior and the weapons allowed them to do it, seems alien to a country whose legal system is based on common law. The obvious solution would be either to remove the mandate or allow the weapons.[33]

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[31] Ibid., p. 506.

[32] Ibid., pp. 485-486.

[33] Officer Minderman comments: "Many individuals are arrested when officers full well realize that a conviction is impossible. Officers feel that they 'are doing their job, even if no prosecution is possible because of "needless restrictions."'"

Arrests to Remove Disorderly Persons

Until recently it was possible for the police to arrest persons in the streets under a broad vagrancy law, which made it a crime, essentially, to be on the street without a home to go to. Under the much watered down statute now available, the police can arrest a person if he fails to identify himself, if the surrounding conditions are such as to suggest to a reasonable man that the public safety requires such an identification. The police have at their disposal the entire Penal Code, however, and should prostitution become a problem, prostitutes can be arrested as "public nuisances." The arrest of a prostitute does not abate the disorder for long as she can get out on bail and be working the same corner a few hours later. Skolnick suggests that the system of allowing bail is seen by the police as detrimental to their work:

> "The ease with which a prostitute is able to return to illegal activity is frustrating to the policeman. In his opinion, if the community wants to keep prostitutes off the streets, a system permitting them to return within a couple of hours after arrest is irrational. Thus, to the policeman, pretrial release is basically an irrational right given to the defendant by a state already tendering defendants an unreasonable measure of solicitude at every stage of the process."[34]

The police, in my opinion, are not particularly frustrated by the ease with which people get out of jail on bail. They accept it as a fact of life and calculate the time. On one occasion my partner and I arrested a drunk who had been abusing his wife. We sent him to jail for "disturbing the peace." My partner commented that he would be out of jail in about two and a half hours, but that was alright, our shift was over in two and we wouldn't have to worry about him.[35] Our involvement was thus extremely situational, and if we abated the disorder until the end of the shift, well, that was all that could be expected. It is possible that a specialized vice officer would get disturbed at the ease with which his clients got out and continued to stand on the street corner, but he has a long-term commitment to a specific problem, as a patrol officer does not.

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[34] Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, p. 187.

A police officer may pick up a juvenile in some jurisdictions (not Westville) for "suspicion" and thus manage a temporary detention.

> "... a boy can also be charged with "suspicion" of practically anything. When the police use suspicion as a charge, however, they usually try to make the specific offense as serious as possible. This is why the criminal records of many gang boys are often heavily laced with such charges as "suspicion of robbery" and "suspicion of rape."
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> Gang boys are aware that the police have a very difficult time making these illusory charges stick. They can always succeed in sending a boy to jail for a few hours or a few days, but most of these charges are dismissed at a preliminary hearing on recommendations from probation officers. Moreover, gang members also understand the power of probation officers and, by behaving better in front of these officials, they can often embarrass the local authority of patrolmen by having

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[35] Field Notes.

> decisions to arrest reversed over their heads. As far as the patrolmen are concerned, then, the boys can make a mockery of false charges as a sanction against impertinence in the situation of suspicion."[36]

Whether or not such a detention is effective as a sanction depends on whether one cares whether he has "suspicion of rape" on his criminal record or not, and whether or not one has anything to do with his time for a couple of days. Though the boys may feel that they are making a mockery of the false charges, they may feel differently when they apply for a job some years later.

Conclusions

There are many laws. Not all are known to any given actor. The "social stock" of knowledge of laws covers the routine situations. The rest of the laws, a majority, are used for contingencies.

When laws are congruent with customs and morality, their enforcement raises few problems, but when they are not, there is a strain on the officer to attend to morality or custom as well as law, which requires him to exercise discretion. When some act is considered immoral but there is no law covering it, public pressure may be aroused to pass a law.

Law is seen and used as a weapon to rid society of dangerous people. Its application by the police is only part of the formal social control process and is sometimes dependent upon a request from a victim before being invoked.

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[36] Carl Werthman and Irving Piliavin, "Gang Members and the Police," in The Police, ed. by David J. Bordua, Wiley, New York, 1967, pp. 91-92.

Multiple laws covering the same act give the officer discretion in charging which affects the cost of bail, thus the length of stay in jail, and, in some cases, the selection of charges implies the penalty, so the officer effectively selects the penalty as well.

Occasionally a general law will be used instead of the specific one which covers the act because evidence may be difficult to gather for the specific charge. This is sometimes done with judicial approval.

Discretional use of the law as a weapon has good and bad points, but a system which did not allow for police discretion would be unjust and unworkable.

When he decides to invoke tertiary social controls, the officer must decide whether or not he has met the requirements for processing his prisoner through the legal system.

Acts, and the intention of the actor, are given meaning by being typified in subjective realities. Offenders and officers typify the criminal act according to their own realities.

In the actual situation the officer's typification is given provisional primacy as he is supposedly acting as society's agent.

Unless the officer's typification is accepted without a confrontation, and the offender disposed of through a guilty plea to a reduced charge, the officer's typification will be examined to see if he was acting as society's agent, that is, according to common-sense criteria.

The officer's subjective realities regarding the act are brought into the courtroom as linguistic objectifications which he must demonstrate to follow common-sense inferential patterns. He must also demonstrate that the objectifications derived from the act are congruent with the abstract linguistic statement of prohibited behavior in the Penal Code.

In order to insure accurate linguistic objectivation, the hearsay rule limits testimony to those with actual subjective experience. Penalties for perjury (false objectification) attempt to insure that the subjective experience will be correctly objectified.

The linguistic objectifications constitute the "facts" of the case and are "tried" by the jury. The jury establishes the congruence between the act as presented and the language of the Penal Code and thus is a societal control over the end product of the officer's typification of criminality.

Defendants are disadvantaged because they do not routinely think of transforming their subjective reality into legal linguistic objectifications. They may, however, appeal to the jury's common sense on the basis of their own subjective reality, in a non-legal context.

Officers routinely appear in court and are aware of most of the transformational rules they must follow. They structure their subjective realities with these requirements in mind. The possibility exists of falsifying the elements of the typification so that they appear to be common sense, and, practically, this can seldom be discovered.

On appeal, typification procedures are reviewed, but purely from transcribed, anonymous linguistic objectifications brought out in the original trial. Transformational rules are assessed to see if their application to the concrete case was warranted, and, if so, the officer's subjective reality becomes objective reality. The defendant becomes a "criminal."

The officer is still faced with the problem of having behavior in the interactive situation which he feels, because he is a moral actor and because he is responsive to the controls of the interactive institutions he is involved in, should be controlled. One way of doing this is by a partial invoking of the legal process, which sanctions the offender but does not go far enough to be reviewed.

By following certain general rules, the police can arrest without much possibility of being successfully sued. The police officer may then function as a one-man committee of vigilance. The consequences for the person arrested vary with his life situation.

Arrest is used to punish criminal behavior when arrests for prosecution are difficult or pointless because of the low fine. A consequence of not intending to go to court is that the police do not have to follow court rules, and many of the legal guarantees predicated on the model of the completed legal process are undercut.

Some arrests are made to keep people off the street for a few hours, until the officer goes off duty.

In some jurisdictions suspects can be arrested on charges of "suspicion of ______," which can be almost any Penal Code offense. This is a sanction in itself.

Situations also arise wherein no legal or semi-legal solution is seen as appropriate but, again, where there is pressure for the police to act. The police respond by attempting to reduce the pressure or by using extra-legal solutions to provide secondary social control.

CHAPTER VII

EVASION OF DEMANDS AND EXTRA-LEGAL SOCIAL CONTROL TECHNIQUES

Sometimes situations arise where the police face the dilemma of a situation wherein members of the public, acting generally through the various institutionalized transactions which control most police behavior, want, or would want, police action in particular areas which the police are unable to provide. Where there is public pressure for an impossible or difficult goal, one which is unobtainable using the legal mandate granted to them, the police are faced with the dilemma of deciding what to do. There are two basic solutions to this dilemma.

The first solution is to divert the pressure of the demands. This may be done by keeping the public from knowing what is going on so that they have no way to criticize police operations. The routine use of secrecy and impression management isolates the police from public supervision and thus from demands they would find difficult to satisfy.

The second solution is to carry out the demands by cutting corners and doing things which are illegal or dishonest but which help to attain the demanded action. Many such activities have been restricted by the courts, for example, the prohibition on beating prisoners, so the police search for shortcuts which are of low visibility and high productivity. One of the most effective ways to control otherwise difficult situations is to falsely structure the situation for the other participants through the use of deceit. The use of deceit is hard to prove and, in many cases, is not presently illegal. Thus it becomes a major police tactic in many situations.

EVADING DEMANDS FOR SOCIAL CONTROL

The police are quite secretive about their actions and intentions. Very often officers in one division of a department will be unaware of an operation being carried out by another division. The public is unaware of the rules and decisions the police operate under, and the police want to keep it that way.

Any subuniverse of meaning, such as the police constitute, becomes an esoteric enclave closed to all those who have not been initiated. The outsiders must be kept out and the insiders must be kept in. The problem consists of convincing the outsiders that it is better that they are kept out and, in their own interests, not to pry into what does not concern them. The general population is cowed by the possible legal consequences of disobeying the police, but they are persuaded not to disobey the police by the presumed benefits of compliance and by their own fear of crime, violence, and disorder.

The police underline their authority by their uniforms and by their esoteric language, developed from the Penal Code and the radio codes. These are justified to the public in terms of pragmatic concerns, i.e., uniforms make the officers visible and their numbers make them subject to social control, and radio codes are more "precise" than verbal descriptions. The important effect of uniforms and codes is the maintenance of secrecy, however, and this is never mentioned in dealings with the public. At the same time, officers are both formally and informally persuaded not to be free in talking with the public about police business. Thus policemen remain policemen and citizens remain citizens, and both deal with each other on a somewhat formal level.[1]

Although secrecy arises around any subuniverse of meaning, the police seems to have a somewhat more acute need for secrecy than other occupations. This need arises first because the police are adversaries for many of their clients; that is, the clients would like to avoid having the police perform their services on them, and information about police activities might allow some of these potential clients to escape.

The second reason that secrecy is important to the police is

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[1] Peter L. Berger and Thomas Luckmann, The Social Construction of Reality, Doubleday, Garden City, New York, 1966, pp. 81-82, suggest this mechanism and its application to the medical profession. Mutatis mutandis the argument can be applied to the police as well.

that in their role as "public servants" they actually are expected to enforce a number of laws which are differentially important to various segments of society.[2] Gambling and prostitution laws and their enforcement are of concern to certain moral entrepreneurs, often religious people, but of little positive concern to many members of the working and middle class. The enforcement of parking laws is important to people whose driveways are blocked or who have a strange truck sitting in front of their house for weeks at a time, but relatively unimportant to those who get tickets. The problem which the police face is keeping the various segments of the public happy by "managing" the various kinds of crime so that they do not become so blatant as to cause a public outcry from the segment of society for which it is important.[3]

The process of managing crime can be divided into two operations. The first is the actual effort expended directly in confronting the crime. The second is the effort expended in keeping the concerned segments of the public from becoming aroused over the police failure to eliminate the crime they are concerned with. The police could not possibly wipe out all crime; they do not have the manpower or the broad public support for every law which would be required to do so. As a result, the amount of effort that they can expend on any one kind of crime is necessarily less than is desired by those who want to see "their" crime eliminated but are unconcerned about other areas. This means that they must keep that crime's public from becoming aroused over police "under enforcement." There are two strategies for doing this. The first is impression management, and the second is secrecy in police operations.

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[2] Officer Minderman comments: "Because of increasing restraints (court decisions, civil rights groups, etc.), this shell of police secrecy is going to become tougher and broader."

[3] O. W. Wilson, Police Administration, McGraw-Hill, New York, 1963, p. 303.

IMPRESSION MANAGEMENT

There are a number of areas of police action which can best be understood by reference to the practice of "impression management."[4] Erving Goffman developed the concept of impression management to cover the situation in which part of the energy of an actor was directed not into the activity in which he was involved but into generating the impression for an observer of his activity that he was in fact carrying out his prescribed action in a competent and worthy manner. If an activity is carried out in the most rational or efficient way, the rationality or efficiency of the activity may not be apparent to the audience, and the actor may need to make the rationality and efficiency more obvious if he wants the audience to appreciate that he is efficient and rational. Thus, in general, attending to the visible aspects of one's activities with a mind to the impression created in the mind of the audience is impression management. Almost all activity open to public view has some element of impression management. Impression management is considered by many to be a dubious undertaking when the impression generated is consciously and cynically a falsification of the true nature of the activity involved. The police tend to use impression management techniques to impress the public that they are doing their jobs to keep the public from applying political pressure on the city government and the police. In order to accomplish this impression, the police may do their job well, but, insofar as they deviate from what their audience expects, there will be some strain to manage the impression that they are meeting expectations. In some cases this is done by simply making actions more visible, in other cases conscious falsification of impressions may take place.

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[4] Erving Goffman, The Presentation of Self in Everyday Life, Doubleday, New York, 1959, p. 238.

Impressing the Public that the Police are Doing their Job

Not all citizens immediately think "the police are lax" when they see disorder in the streets. Very often disorderly people are not even thought of as a police problem by citizens. The police, however, feel that citizens pay attention to disorder and view it as a police failure. In some cases this is true, and the police can do little about it because the "disorderly" people are not actually breaking any laws, or it is so difficult to collect admissible evidence and get a conviction that the problem is not worth the manpower. In cases where no law is actually being broken or where convictions are difficult, there is a temptation to use some marginally legitimate legal means to make the disorder less visible to the public without actually removing it thus managing the impression that the police are doing their job. Harvey Sacks suggests:

> "They (the police) also take it that the appearance of a neighborhood is attended to by those who pass within it as the shape in which it is maintained by the police. Thus they may feel called on to make arrests becuase they feel that persons passing can see that the police see unshapely activities going on."[5]

Thus an extremely visible drunk who staggers back and forth in front of an officer may be arrested simply because the officer feels that members of the public see that he sees the drunk. Similarly, bohemian types who make unconventional use of the streets, sitting on the sidewalks, renting parking spaces to sleep in, or simply lounging around for hours at a time talking and playing bongo drums, may be "moved on" if the officer feels that there will be public criticism of the police for not stopping such behavior.[6] Of course, after acting on the basis of possible public criticism a few times, the action itself may become habitual and disassociated from its original motivation. At this point, the officer may feel that it is "right" in itself and his "duty" to take care of such disorder whether or not there is any public around to view it.

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[5] Harvey Sacks, "Methods in Use for the Production of a Social Order: A Method for Warrantably Inferring Moral Character," no date, ditto, p. 19.

[6] Officer Minderman comments: "Less and less of this--officers feel they 'don't have the backing.'" His comment could mean

Apparently police action against several forms of sexual deviance comes from this motivation:

> "Arrest of the transvestite appears to be explainable in part by a police desire to remove these individuals from the streets. Like the streetwalking prostitute, they can be observed by the general public. Their presence is likely to be an affront to the ordinary citizen, and the failure of the police to do something may be interpreted as an indication of lax law enforcement."[7]

There may be a more complicated transaction, however. The range of police experience is such that many things which would bother or outrage a private citizen are considered normal by the officer. In neighborhoods where there is a great deal of minor criminal activity, the officer who attempts to stop it all will become isolated from the personal relations he needs to solve the major crimes, or settle disputes. The people in such neighborhoods thus do not constitute an "audience" that demands full enforcement. If there is such an

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that "customs" are changing and such behavior is no longer so distressing to members of the public.

[7] Wayne R. LaFave, Arrest, Little, Brown & Co., sine loco, 1965, p. 468.

audience, it is remote and only occasionally sees the disorder.

> "Under these circumstances the smoothest course for the officer is to conform to the social organization with which he is in direct contact and at the same time to try to give the impression to the outside world that he is enforcing the law. He must play an elaborate role of make-believe, and, in so doing, he serves as a buffer between divergent social organizations with their conflicting standards of conduct."[8]

When the police become aware that the public must know of some illegal activity, and must know that the police know of it, there is a great deal of pressure to eliminate it so that "law enforcement" as an abstract ideal can be upheld, and so that rumors of pay-offs to the police do not circulate. LaFave cites a case:

> "The police were aware of the operation of a private card game in which there was no house "cut." Since this operation therefore qualified as mere social gambling, no action was taken against the offenders. However, the operators of the game made no attempt to conceal the operation, and it was soon apparent to the general public that the police must be aware of it. Realizing this, the police arrested the gamblers."[9]

The police may become aware that the public is aware when a newspaper starts a crusade against some form of previously tolerated behavior. The police may respond by arresting the topless dancers or the prostitutes, taking them to court, and as soon as the cases are thrown out by the judge, stating that the problem is out of their hands because the courts will not convict. This allows the behavior to go on, but takes the heat off the police because they have demonstrated that it is not their fault that the behavior continues.[10] Thus only a few arrests may be necessary to set up a "test" case. The laws against pornography appear to be enforced this way. When an arrest is made in response to newspaper publicity, it will probably be made in the most dramatic possible manner to show that the police are really doing their jobs. Thus, for the purposes of impression management, a particularly newsworthy location may be chosen for a test arrest. In many cases the same books and posters can be found in stores all over the city, but the stores which are raided are in the section of the city currently in the moralistic public's eye. Another way in which law enforcement can be made more dramatic is when an offender is publicly arrested rather than being cited to appear in court.

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[8] William F. Whyte, Street Corner Society, 2nd ed., Univ. of Chicago Press, 1955, p. 138.

[9] LaFave, op. cit., p. 147.

> "Considerable publicity was given by the press to the fact that a local tavern owner frequently served minors. An undercover agent was sent to the tavern and, upon observing the owner serve a youth, made an arrest notwithstanding the fact that voluntary appearance seemed likely."[11]

It is possible to get carried away, of course, and to defeat the purposes of test arrests for impression management purposes. When illegal activities which do not arouse public indignation are suppressed, the reaction may be the opposite from that expected.

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[10] Officer Minderman comments: "Individual officers are aware of this and resent going through the motions."

[11] LaFave, op. cit., p. 201.

> "Vice-division members must also guard against being forced into illadvised action against minor, noncommercial violators that may arouse public indignation; raids on church buildings, homes, and privately occupied hotel rooms not used for commercial purposes are examples."[12]

The enforcement of blue laws also tends to give a bad impression of the police to most of the public. In general, if the public supports suppression of the actvity, the more dramatic the arrest the better, if the public is indifferent or hostile, the less dramatic the better.

One of the most important areas of impression management is the arrest of the felon in a much publicized case. This constitutes a very minor portion of police work but the public reputation of the police department may ride on the apprehension of a single criminal, so the police try very hard to solve such cases.[13]

Impression management becomes much more difficult when there is a culture conflict between various segments of the public. So long as the "criminals" came from the lower classes, and were effectively voiceless, the suppression of crime made a good impression because it was supported by the newspapers and the "good people." When there is dissent among the "good people," that is, when customs are disputed, perhaps two newspapers with contradictory editorial policies on some issue, all the police can do is to fall back on legalistic interpretations. If they arrest, they are damned, if they do not arrest, they are damned, so they may point out the difficulties of making arrests and step with caution to keep from making the situation worse.

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[12] Wilson, op. cit., p. 315.

[13] Officer Minderman comments: "Newspaper 'slanting' of a particular case can bring this about."

The public evaluates the police on the basis of individual experiences, hearsay, and on the basis of news reports. Individual officers are urged to be helpful, pleasant, understanding, and to treat people as they would like to be treated.[14] They are told that they will get more attention and respect if they "look sharp and alert."[15] Marked patrol cars are advocated because it will make officers less likely to drive inconsiderately.[16] All of these good works can be destroyed by one well publicized incident of lawless action. Police organizations such as the F.B.I. which are secretive and which have only limited contacts with the public can manage to project an image of lawfulness and efficiency because they can pick their cases and they can manage their publicity. The municipal police department does not have this option. Any officer's mistake or thoughtlessness on any call is potentially bad publicity.

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[14] Thomas L. Leffler, "Public Relations for Police," in The Police Officer and Alcoholism, Charles C Thomas, Springfield, Ill., 1963, pp. 58, 60.

[15] Field Notes.

[16] O. W. Wilson, op. cit., p. 245. Officer Minderman comments: "That is open to debate."

The Westville Police Department is usually supported by the city's major newspaper, but a number of small weekly newspapers have been published from time to time which concentrate on incidents of police brutality, discourtesy, and selective enforcement. Not all of the citizens see these small newspapers, and those that do tend to have generally "liberal" political predispositions. It is thus possible that a person could have had good experiences with the police and have read only good about them in the daily paper. This is probably true for most of the white middle class in Westville. It is possible that a person could have had a bad experience but only have read good things. These people might be affected by more "courtesy" on the part of individual officers. It is also possible that a person could have had only good experiences with the police but have read bad things about them in one of the small newspapers. This is generally the case with Westville's small, white liberal colony. In the last case, it is possible that a person's experiences could be unpleasant and the reports he reads of the police are bad as well. This is probably true of the politically active members of the Negro community. In combination, it is possible for the police department to come out badly in three of the four instances mentioned above. Anyone who has had something unpleasant happen to him will not soon forget it, and anyone who has read of brutality is likely to accept it as true.

Probably the only long term solution is the professionalism advocated by August Vollmer, but the short term solution is impression management. The Westville Police Department's own review board appears to decide cases brought to it, in part, to give the impression that the department is well controlled.

Secrecy in Police Operations

If a box score were kept for every type of crime, and every crime reported to the police, and if this box score were printed in the paper along with the number of officer-hours allotted to its suppression, and the results, each group could see whether its interest were being slighted, or whether there was "over enforcement" in some area they were indifferent about or felt was prejudicial. This would lead to immense public pressure to do this or that. The police protect themselves by not allowing their operations to become public in this way. Just as public notice of the mortality rates of various doctors would introduce an element of invidious distinction and consumer choice into the profession, public notice of the details of police operations would give the public more control over police operations. In addition, it would violate the first reason for secrecy; various offenders could look in the paper to discover when the "heat" was on for their specialty and lie low or move on until the heat was off.

Secrecy thus is important to the police because it allows them the equivalent of role segregation among various competing demands for enforcement. The major competing demands are associated with the two conceptions of police activity, the "legal" conception and the "interactive" conception. Many important middle-class people might be outraged if they could find out by reading their daily newspapers that the burglary detectives overlooked narcotics offenses and the narcotics detectives overlooked burglaries.[17] They also might begin to question the morality of the police if they found out that narcotics informants were allowed to keep some of the narcotics they purchased in a "supervised buy" as payment for their trouble.[18] On the other hand, lower class people might become outraged if the extent of non-enforcement of laws among the middle class were known, especially if the same laws were being strongly enforced in their own section of the city. Both groups might be disturbed if they knew how low the "clearance rate" was.

Secrecy also conceals the exercise of discretion. A formal policy of non-enforcement of certain laws might be challenged but an informal policy, not known to the public, would not be.[19] This increases the power of the police to bargain and control the areas of interest to them. This same procedure has been seen in other public agencies:

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[17] True in Westville, according to Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, p. 129.

[18] LaFave, op. cit., p. 134.

[19] Wilson, op. cit., p. 365, suggests parking meters should be

> "Again, reliance on the role of discretion has disinclined many agencies to make available for the use of interested parties any clear statements either of the exact practice and procedure of the agency or the criteria relied on by the agency in deciding cases. Discretion can be more freely exercised if procedural matters can be settled in accordance with the agency's convenience in each case. Similarly, discretion has broader range if the agency has not committed itself to any stated bases or principles of decision comparable to common-law rules of decision, but has reserved the privilege of deciding each case on its 'merits,' permitting such departures from prior criteria of decision as may seem expedient in any particular case."[20]

Another use which secrecy serves in the avoidance of official action in many cases. Official action is subject to scrutiny, legal rules, and objections. By moving secretly, the police avoid engaging the legal process. LaFave reports:

> "...in one Kansas case a large number of grease guns were stolen from a warehouse, and the circumstances suggested an inside job. Later a local lumber dealer notified the police that a person had approached him and offered to sell him a number of grease guns at an extremely low price. He was able to furnish only a general description, but the owner of the warehouse indicated that he had an employee who might fit the description. This man was not arrested; instead, the police arranged for the warehouse owner to have a Polaroid picture taken of his entire crew on the pretense that it would be used

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adjusted to lose one minute in every five, but that information should not be made public.

[20] Quoted from Cooper, Administrative Agencies and the Courts 22-23 (1951) by LaFave op. cit., p. 158, footnote 22.

> for advertising, and this picture was then shown to the lumber dealer for purposes of identification."[21]

The police in this instance probably did not have reasonable cause to arrest the suspected thief, but by moving secretly they were able to develop a case without violating court rules about arrests for in-custody investigation.[22]

Westley suggests similar uses for secrecy:

> "Secrecy, among the police, stands as a shield against the attacks of the outside world; against bad newspaper publicity which would make the police lose respect; against public criticism from which they feel they suffer too much; against the criminal who is eager to know the moves of the police; against the law which they too frequently abrogate."[23]

He goes on to point to the areas where the practice of these external defenses becomes important to the individual officers:

> "Secrecy is loyalty, for it represents sticking with the group and its maintenance carries with it a profound sense of participation. Secrecy is solidarity for it represents a common front against the outside world and consensus in at least one end."[24]

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[21] LaFave, op. cit., p. 312, footnote 38.

[22] Actually, the outcome of the case and the reasons for using this means of identification are not made explicit by LaFave, but it would be a good example of the use of secrecy for whatever ends.

[23] William A. Westley, The Police: A Sociological Study of Law, Custom and Morality, unpublished Ph.D. dissertation, University of Chicago, 1951, p. 187.

[24] Ibid. This emphasis on secrecy may be one reason that there are few or no exposés by former police officers; by the time one gets to know anything worth exposing, the habit of secrecy is ingrained.

On one occasion my partner and I had received a call to cover another officer who was searching a modern apartment building for a reported prowler. When we arrived, the elevator and stairs doors were locked and the building's security guard had gone upstairs with the other officer. We wanted to be able to come to his assistance if he was in trouble but were prevented by the locked doors from doing so. My partner then proceeded to pick the lock on one of the doors, getting it open in about thirty seconds. It turned out that that door only lead to the garage, which didn't help. We returned to the lobby and met the officer who had been upstairs and the security guard. The security guard then began to brag about how burglar-proof the building was and how it was even impossible to get into the garage because of the locked door. My partner just went along and agreed with him, not mentioning that he had just overcome the door in question in thirty seconds. When I asked about this later, he commented that there was "no reason to tell him."[25] This closed-mouth attitude carries over into all of the affairs officers are involved in. The feeling seems to be that you never get in trouble by being silent, and you may if you talk. So you only talk if you have a reason to, and you think about what you say then.

Police departments seem to vary in their emphasis on secrecy, with Westville being among the more secretive. Among Departmental rules which aid in secrecy is the prohibition of using proper names, except of complainants, on the air. Since officers do not have their own radio numbers, as is common in some departments, but go by their watch and beat number, it is possible to listen to the radio for an entire shift without knowing who is doing what, unless you can recognize an officer's radio voice. In Westville's Police Administration Building there are some areas frequented by the public in their business with the police and these offices are marked, but the majority of the building has only numbers on the doors, plain halls, and no indication of the activity being carried on behind the doors. A potential saboteur would have difficulty in finding what to attack in such an anonymous building. The Westville vice squad operates its own radio network, independent of the Department's radio room. This has some practical justification; many times the "special employees" hired to get solicitations from prostitutes or make narcotics buys are broadcasting over portable radios and their lack of training would mess up the airwaves for the rest of the police department. The major reason seems to be, however, that it keeps vice operations secret from those that monitor the police department's radio frequency and thus prevents tip-offs for raids. Vice usually carries out its conversations in the clear, at least when they are dealing with special employees.

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[25] Field Notes.

Radio codes are used for secrecy. It would be more clear, easier to learn, less likely to confuse, and faster to use plain English rather than radio codes.[26] For example, if an officer wants to know the location of another officer, he will say, "What is three-twenty seven's nine twenty-six?" instead of saying, "Where is three twenty-seven located?" This introduces a coding and decoding operation into the information transmission which is not necessary for precision. The officers have 95 codes listed in their notebooks. Of these, they routinely use from 37 to possibly 50. If any of the other codes comes over the air, the officer will have to stop, get his notebook, and look up what it means. After he has been working for two or three years, he will probably know them all, or almost all. But it certainly does not make the messages more understandable. Thus it follows that the only salient reason that the department would adopt a code and enforce its use across the board is for the purpose of secrecy. Other departments I have visited use far fewer codes.[27] O. W. Wilson argues that the need for secrecy is overemphasized because of the possibility of error and delay, and most citizens who listen to police broadcasts will assist rather than hamper police actions normally.[28]

A final tactic insures that other tactics and strategies will not be breached, that is, making it an official rule not to give out information about the department to the detriment of the department.[29]

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[26] Officer Minderman disagrees: "Codes use less air time and are more clear."

[27] Field Notes, Westville and other departments.

[28] Wilson, op. cit., p. 249.

Strategic Reserve

Any organization which faces variable demands on its resources must maintain reserve resources to take care of times of great demand. In the military the concept of reserve forces requires that if two units are committed to battle, a third will be held in reserve to be deployed as the need arises. The consequences of a failure to maintain sufficient reserve strength vary with the nature of the organization and the competitive system in which it operates. A manufacturer may lose an order if he does not have the productive capacity to fill it. Whether this causes him to go out of business or not depends on other factors. In the military, failure to have sufficient reserves may mean that the unit will be wiped out. The consequence of a failure to maintain reserves for the police is more serious than for the manufacturer but probably less serious than for the military. The ability of an organization to maintain reserves is variable and depends, in part, on the locus of financial policy decision-making, and the seriousness of the presumed consequences of failure. The manufacturer decides his own policy, the military policy is decided in accordance with national goals, but police policy is decided by local taxpayers who are in a position to observe the daily functioning of their police. The sight of a reserve contingent, apparently doing nothing, is reassuring to a manufacturer or a military commander but disquieting to a citizen when he sees it in his police. The police must maintain reserves, however, as the possibility of a police rout by rioters is out of the question, but they cannot seem to the public to have such reserves as this might lead to a reduction of their budget. Thus permanent riot squads are generally impractical.

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[29] Westley, *op. cit.*, p. 50.

The solution of this dilemma is to keep police officers busy doing some justifiable but non-essential activity. Some activity which can be stopped for days or weeks at a time without causing major social dislocations. One of the most useful areas for this is traffic and parking control. It will make little difference to the accident rate or the city's revenues if no tickets are written for a week while the entire traffic division is fighting rioters. The use of "meter maids" for parking control thus may decrease the hostility of the public toward the police and the costs of parking control manpower, but at the expense of stripping the police of this reserve strength.

Another area where reserve strength is concealed is in the activities of those officers and jailers who spend part of their time in arresting and jailing drunks and other routine offenders of little consequence. Again, it will make no major difference to the city or the drunks for no arrests to be made for a week while the officers are busy doing riot duty and the jailers are taking care of rioters.

This looseness in the deployment of police personnel allows for the training of a special riot squad which draws its members from several divisions. Some small amount of time can be put aside to allow the riot squad to train together, and train in the use of special riot equipment. When an emergency arises, they can be called together to provide shock troups.[30] This riot squad's routine duties can be either left in abeyance or taken over by other officers in the several divisions freed from routine duties.

The necessity for maintaining a reserve force is such that if the arrest of drunks is stopped by court order, I suspect that the arrests of other offenders will rise to keep the reserve strength employed.

Should the police be faced with a situation where they must take action, or should take action, where they cannot conceal inaction, and where legal action is difficult or impossible, they will often fall back on the use of deceit.

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[30] Colonel Rex Applegate, Crowd and Riot Control, The Stackpole Co., Harrisburg, Penn., 1964, p. 35.

DECEIT AS A WEAPON FOR SOCIAL CONTROL

> "It will be remembered that after five researchers had found 8, 400 instances of gamesmanship in a match at Hove... the investigation was completely reorganized... in an effort to discover some game, or some act in some game, of cricket in which gamesmanship was not involved."[31]

Police officers routinely tell lies. They tell lies in so many situations that it would be easier to specify those situations in which they would be unlikely to lie than those in which they probably will lie. The intrusion of legal realities and restrictions into the police-public interactional realm causes a limitation of powers which precludes successful adaptations to some situations. A lack of successful interactional adaptation threatens the officer's control of the situation and thus his own self image. To retain control of these interactive situations, officers tell deliberate lies, which save the situation, and only rarely, and in cases specifiable in advance, are detrimental to the legal situation.

In addition, many of the diverse duties which the police have inherited must be carried out without enough legal authority to back them up. This is true for family fights, private drunkenness, accident investigation interrogations, sickness, and mental illness. In each of these situations they are armed with no special legal armor but are expected to cope nonetheless. One of the ways they cope is by relying on the general authority of their role to tell people what to do. When this general authority is seen to be insufficient, they proceed to create in the mind of the citizen a set of understandings which they hope will produce the desired behavior. This, in turn, is often managed by the use of deceit.

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[31] Stephen Potter, The Theory and Practice of Gamesmanship, Rupert Hart-David, London, 1947, p. 98.

In many situations deceit is seen as necessary because part of the officer's mandate is the prevention of crime but he does not have the legal or honest means to do it. He cannot arrest to prevent the future commission of most acts so he either gives up on some forms of crime prevention or lies to get the effect he desires.[32]

In general, there is no law against lying. Citizens or police officers are perfectly at liberty to lie to one another, and often do, until they have taken the stand and sworn that they will not lie under penalty of perjury and sometimes they continue there. Most citizens do not routinely lie to each other or to the police because they have no particular reason to do so, and because they have internalized religious and moral proscriptions against such behavior. There is abroad among the populace the general feeling that one should not lie to a police officer because the consequences will be painful, but unless the officer detects the lying and proceeds on the assumption of criminality, this is not so. The police, of course, do not tell citizens that it is inconsequential to lie to them, although members of certain social strata seem to know it all too well.

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[32] Officer Minderman comments: "The 'bad guy' who the officer personally knows is guilty lies, so the officer lies to convict."

Deceit is useful only if it is not apperceived to be deceit. If a person realizes that another is lying to him, he will act upon his realization, not the lie. Deceit on the part of a police officer gains much of its power from the fact that it issues from the lips of one supposedly above reproach and acting as a governmental official in his official capacity. A police officer's entire existence is supposedly devoted to upholding morality, at least in the conception of those who hold the "legalistic conception" of police behavior. One expects a "criminal" to lie, but one does not expect an "officer of the law" to lie. The higher the prestige and professionalism of police work the more potent will be lies which officers tell, though they may well tell fewer lies.

There are a number of situations in which many officers routinely use deceit.

Deceit to Gain Information from a Suspect

If a person knows or suspects that he is wanted, he may refuse to tell a police officer at the door his correct name. Traffic warrant officers in Westville therefore resort to deception:

> "If the warrant is for John Smith, the policeman might ring the bell of the residence listed in the warrant and ask for Richard Roe.

> "Richard Roe doesn't live here," will be the reply.
> "Well, who does?" asks the policeman.
> "I do," says the resident.
> "Who are you?" asks the policeman.
> "John Smith."
> "Well, I happen to have a warrant for your arrest."[33]

In training, my class was advised of a strategy to use if a female would not tell her age. "Figure out how old she looks and add ten years. Then ask her if she is that age. She will usually tell you to correct you." Or, if a suspected drunken driver is stopped, one question to ask is, "Have you had too much to drink tonight?" The usual reply is, "No, not too much." By answering in this way he admits he has been drinking, which constitutes part of the offense of driving under the influence of an alcoholic beverage and gives the officer warrant to proceed with an intoxication test which the motorist cannot refuse under penalty of automatic suspension of his license for a six-month period.[34]

Deceit may also be used to gain information from a person not himself a suspect but who has knowledge of a suspect:

> "One of the authors was once attempting to obtain information from a cagey mistress who denied knowing her lover--a fugitive mobster. She had already claimed that she did not know the man and it was obvious that no amount of pleading on her front door step would cause her to change her story.
>
> "I don't know him, don't want to know him, Buster," the irate woman smugly said as she began to close the door.
>
> The author then politely asked, "Well perhaps you might

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[33] Skolnick, op. cit., p. 79.

[34] Field Notes.

> know someone who could identify him? You see, we have a body in the morgue that appears to be him." Spoken with timing, this lead to a scream, "Oh my God! Please, not my Jim!"[35]

Deceit to Justify Field Interrogation

In many situations it is possible to carry out a full-scale field interrogation, filling out the F.I. card in the presence of the person being interviewed. This is true when he has actually been stopped for some offense which the officer does not intend to charge him for, or where his presence is clearly incongruous enough to warrant investigation. Where these elements are not present, an officer may still interrogate a citizen but he may do it without the citizen knowing he is being questioned. The officer can ask him about a particular address, if he has just seen a mythical person, or if he is the person who just called about a mythical situation. Any of these openings permit the officer to make contact with the person and engage him in conversation without arousing his suspicions. If the person is actually doing something wrong, he will not realize the officer is questioning him, if he is a respectable citizen, he will not be offended that he was taken for a suspicious person.

> "After the conversation has been opened the officer must skilfully learn the person's identity and business in the area.

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[35] Richard O. Arthur and Rudolph R. Caputo, Interrogation for Investigators, William C. Copp and Associates, New York, 1959, p. 56.

> Several methods may be employed to this end, one of which is accomplished by the officer stating that he is attempting to make a death notification to the fictitious person about whose whereabouts he has inquired of the subject, and would like to have the subject's name and address so that it may later be established that a diligent inquiry was made."[36]

Thus, by using a false story, it is possible to engage a subject in conversation and find out a great deal about him, including his name, address, and possibly his business in the area, without his realizing that he has been interrogated. Should a person be offended by being questioned, however, a little more deceit will turn aside his anger:

> "Should the subject be offended to a great degree by the field interrogation and protest to the patrolman's commanding officer, it is a simple matter to produce a teletype with a physical description similar to that of the complainant or his automobile. To aid superiors in quelling such complaints, and for the officer's own protection, complete entries for each subject so contacted should be kept in the officer's notebook."[37]

After the teletype is produced, the commanding officer will tell the complainant that the officer was just doing his job in attempting to apprehend a dangerous rapist, or whatever the person in the teletype did, and the complainant surely would agree that the officer was justified in questioning him as his description fits that in the teletype. The use of procedures such as this makes the substantiation of complaints and the prosecution of successful false arrest suits extremely difficult.

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[36] Allen P. Bristow, Field Interrogation, Charles C Thomas, Springfield, Ill., 1964, p. 28.

[37] Ibid., p. 29. Officer Minderman comments: "Thorough knowledge of teletypes enables officers to 'take on' whoever they desire."

for the average citizen. Who can possibly testify that the officer concerned did not, in fact, see the teletype message before questioning the suspect, except another police officer who is unlikely to do so?

Deceit to Keep a Suspect from Being Informed of Surveillance

In many instances the friends of a suspect would inform him that the police were looking for him if they found this out. In one reported case the officers looking for a gangster suspected that he was hiding out in a particular building. They approached the building's superintendent and told him that they were looking for a young thug responsible for a rape attack on a young girl. They gave him a description which did not fit the gangster so that if the superintendent knew the gangster he would not tip him off. They asked the superintendent to describe the families in the building and asked him questions about each, whether they were visited by young people, etc., until they got to one tenant whose description fit the gangster. They showed nothing, said nothing, and continued on through all the tenants. Then they left, cautioning the superintendent to say nothing about the rape. Later, on information supplied by the superintendent unwittingly, the gangster was captured.[38] Similar deceits are used in many investigations to mislead the friends and neighbors of a suspected person.

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[38] Malachi L. Harney, and John C. Cross, The Informer in Law Enforcement, Charles C Thomas, Springfield, Ill., 1962, p. 29.

Deceit to Control Distressing but Legal Behavior

There are a number of situations where an officer is requested by a citizen to take care of some behavior of another citizen which is bothering him. In some cases a crime is being committed, but the only hope of successful prosecution lies in having the offended citizen pursue the complaint. In other cases no crime is being committed. Often the legal solution would simply drive a wedge between neighbors or would be a breach of "natural justice," as in prosecuting a person for a noisy party on New Year's Eve. In most such cases the officer will attempt to abate the nuisance by persuasion, but he will usually lie to keep the situation from getting worse. For example, at a noisy party the officer will never tell the offender who the complainant was, and he will back his request for a reduction in volume by telling the offender he will have to be arrested if the officer returns.[39]

In some cases the officer may know the parties involved and he may know that one is actually at fault in a dispute. In such a case he may lie about the possible legal consequences to achieve a just solution. This is dangerous because the participants may be informed of their civil remedies and thus may know that the officer is lying.[40]

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[39] Norman L. Clowers, Patrolman Patterns, Problems, and Procedures, Charles C Thomas, Springfield, Ill., 1962, p. 175, and Field Notes from numerous parties. It is possible that a person could be arrested for giving a noisy party if a neighbor made a citizen's arrest, but though I have been to many such parties, and have warned many people of the possibility of arrest, I have never seen or heard of anyone actually being arrested and taken to jail. Officer Minderman comments: "I avoid referring to specific actions that I will take if I return. Usually I intimate future arrest by threatening 'formal' action at the next complaint. Specific commitments can backfire."

If the noise is children playing during the day, which is bothering a sick person, a request to the children is the first thing to try, but if it fails, and, of course, there is no legal action to be taken, the only strategy left to the officer is to "bluff," that is, lie to, the children to get them to be quiet.[41]

On one occasion my partner and I stopped a man who was attempting to push his stalled car out of an intersection but was obviously too drunk to drive. We pushed the car out of the intersection, parked it, and locked it. Then we told the driver to go home and not to come back for his car until morning or we would arrest him for drunk driving and he would go to jail. My partner proceeded to tell him that he had better not try to come back for his car that night because we would be in the area until four o'clock in the morning and would see him. This was at ten o'clock in the evening. Our shift was over at midnight and we would not be in the area after that, but the threat of arrest was used to persuade the driver not to return to his car until he would, presumably, be sober enough to drive.[42]

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[40] Ibid., p. 224.

[41] Ibid., p. 232.

[42] Field Notes.

Deceit to Justify or Gain Right to Search, Otherwise Illegal

Legally there are only two situations in which a police officer may search a person against his will. These two situations are when the officer has obtained a search warrant from a magistrate in advance, or when he has placed the person to be searched under arrest for an actual offense. There are many situations, however, where the officer is reasonably certain that a person he is dealing with is carrying contraband, and if he could search the person, he could make a good arrest. The one important opening which the officer has is that if the suspect agrees to the search then evidence found is legally admissible. The area of search and seizure is complicated and would warrant an entire book all by itself to go into the complexities of what is a legal search and what is not. An officer can "frisk" a person for weapons but cannot go into his pockets.[43] Anything which the officer can see is admissible as "the eye can commit no trespass." A search without a warrant carried out at the time of arrest is legal; if it is carried out later it is not. A search must be related to the charge, so search of a car which produced marijuana, based on the driver's illegal U-turn, was inadmissible. A search incident to a lawful arrest may cover the immediate area of the arrest which was under control of the arrested person. These rules change constantly, and violation of the rules often means loss of the case. Thus officers are encouraged to gain the consent of the suspect before searching to make sure that the evidence will be admissible. Even "consent" has been the subject of much debate; a person opening a door and stepping back in response to the officer's request was deemed to have implied consent, anything other than a stout "no" may possibly be construed to have been consent to search, or it may not. The entire area of search and seizure is a nightmare for the police officer, but some actions are clearly prohibited and some areas are relatively open. Since no sane person who was in possession of contraband would knowingly consent to being searched, police officers must resort to deceit to get permission to search.[44]

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[43] A frisk is running your hands over the exterior portions of a suspect's clothing to determine if he is carrying any deadly weapons.

For example, an officer may ask, "Do you have any weapons in your car?" The suspect answers, "No." "You don't mind if I look then, do you?" says the officer as he begins his search. The suspect assumes the officer is looking for guns, which he knows he doesn't have, so he says, "Go ahead." The officer continues a very thorough search not looking for guns at all but for an open container of alcoholic beverage, or for marijuana. The officer may resort to the ridiculous to disarm the suspect, all the time having a serious purpose in mind:

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[44] Officer Minderman comments: "'Consent' is very poor. The authority 'implicit' in the uniform may be deemed 'coercion' in and by itself."

"Do you mind if I pat you down for shotguns or hand grenades?" Consent given to even such a ridiculous request is consent nonetheless, and any contraband found will probably be admissible. It is also possible to point to something in the car that the officer can see and ask, "What is that?" When the suspect replies, the officer responds, "Do you mind if I look?" Notice in all cases the officer uses the work "look" rather than "search" which, hopefully, keeps the suspect from thinking about illegal searches and his rights to privacy. As one officer put it:

> "If you are enough of a con artist you are going to get into his car unless he is a super cop hater or he has been burned so often he hates all cops."[45]

There are a number of specific techniques which may be used to place the suspect in such an uncomfortable position that he unknowingly waives his right not to be searched.[46] These all revolve around the common assumptions that people usually make in everyday life.

> "One such technique requires the officers to tell the subject that they have reason to believe that he has just stolen a purse or keys from a parked car, etc. When the subject denies this fabrication, the officers should suggest that he could prove his innocence by showing them he does not have the items in his

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[45] Field Notes, not Westville.

[46] If the courts ever rule that a suspect must be informed of his right not to be searched (as they have ruled that he must be informed of his right to remain silent), a major portion of police deceit will be eliminated. The uproar will be fantastic, however.

> pockets, or car. The subject is usually all too glad to permit such a search, or to empty his pockets."
>
> "Another use of subterfuge, which is often of value when interrogating narcotic addicts, is to make the subject feel that he is about to be arrested as a fictitious wanted person. While the subject is denying that he is the person sought by the officers, one patrolman may casually remark, "There is one way to prove that you are not the man we want. He is known to have a rose tattoo on his upper arm." The subject, in his desire to avoid being arrested as the fictitious wanted person, can then easily be persuaded to roll up his sleeves. While ostensibly looking for the tattoo, the officer may examine the arm for traces of needle puncture marks."[47]

In some states it is illegal for a person to use narcotics and when an officer sees needle tracks, he has reasonable cause to arrest the person on this charge.

In some states there are wider powers of search if a felony has been committed. Many, many offenses may be either a misdemeanor or a felony, so officers always assume that any such offense is a felony. The assumption of a felony also allows the officer to use more force than he could if the offense were only a misdemeanor. Although most charges are reduced, it is not possible to tell with absolute certainty that an offense, which could be either, will not be a felony until the offender is convicted and sentenced. Thus the assumption of the police officer has some justification. It is possible, however, for the officer to assume that a felony has been committed when it is not a reasonable assumption so that he can exercise these greater powers.

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[47] Bristow, op. cit., pp. 93-94.

It is unlikely that he will be convicted of wrongdoing in these cases.[48]

Deceit to Justify an Arrest, Otherwise Illegal or Difficult

There are two general situations in which deceit is used to facilitate an arrest. The first is where the suspect might flee or resist if he knew he was about to be arrested. The second is where the police wish to arrest a person but have no specific crime with which to charge him.

Various tricks are used to effect an arrest. They usually consist of giving the person to be arrested a false idea of the purposes of the officers. Thus officers might display an arrest warrant but tell the person that it is a subpoena so that he will be kept off guard until they have physical custody of him.[49] Or, an officer might invite a person to have a seat in the back of the police car so that they can talk comfortably. Once inside, suspects are surprised to find that it is impossible to get out of the back of a police car because it has no door handles and there is a barrier between the front and back seats. In one instance an officer tricked a suspect who had $3, 300 worth of outstanding warrants into sitting in the back of the car, then slammed the door and immediately called for cover.[50] The prisoner was furious.

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[48] Clowers, *op. cit.*, pp. 188-189.

[49] Raymond E. Clift, *A Guide to Modern Police Thinking*, 2nd ed., W. H. Anderson Co., Cincinnati, 1965, p. 274.

[50] Field Notes. Officer Minderman comments: "Deceit saves

Often there are people who are in such a location or circumstance that the officer believes that they have either committed a criminal act or are likely to do so. He cannot usually arrest them on the basis of this belief of his and yet, were he to do nothing, a criminal might escape or a criminal act might be committed. In some states he will be able to find some law which covers this situation, for example, a law requiring a person to identify himself to a police officer if the surrounding circumstances would suggest to a reasonable person that such identification and accounting for his presence should be required. In other areas of the country it is impossible to arrest for such behavior and the police officer is placed in the position of either letting the suspect go or arresting him for something which he did not do. Two techniques are common if the officer decides to arrest. He can arrest the person for an offense which happens frequently in the area and book him for this charge. While he is in custody, the police can attempt to discover if he committed some offense in the past in the area.[51] He can also arrest him on the basis of a "want" which has been broadcast over the state teletype.

> "For example, if Topeka sends out a want from the Kansas highway patrol for a white male adult, 30 to 40 years old,

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the officer a possible beating and the suspect physical injury from resisting."

[51] LaFave, op. cit., p. 296.

> 5'10", medium build, a ruddy complexion, etc., that is a general enough description to fit practically anyone you want to bring in and talk to."[52]

According to LaFave, an instructor at a training session said:

> "It is a poor policeman who cannot find a description to fit the suspect, as you officers have at least thirty days of daily bulletins in your notebooks."[53]

I have never seen such a practice in Westville, nor has it been recommended to my knowledge, but it is possible that it is sometimes done. The general provisions of the modified vagrancy law used in Westville seem to be adequate in most cases so there is not so much pressure for illegal arrests.

Deceit is also used in arrests where revelation of the status of the officer would preclude the arrest. This frequently occurs in undercover police work where an element of entrapment may be present. On one occasion when I was working in plain clothes, I was advised that I could say to a suspected prostitute, "Will you spend the night with me?" or "Will you go to bed with me?" and it would not constitute entrapment. I could not use, however, any variation of "Will you have sexual intercourse with me?", such as, "Do you want to turn a trick for ten and two?", as this would constitute entrapment because I would be soliciting the act. The use of either of the first two approaches seems to me to involve deceit even if not legal entrapment.[54] This deceit is felt to be necessary because experienced prostitutes know the legal requirements of a "soliciting" charge and are reluctant to set the price or describe the act involved unless they are certain that the "john" is not a police officer. By suggesting "spending the night" or "going to bed," it is hoped that the prostitute will be reassured and consider the officer a legitimate customer.

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[52] Ibid.

[53] Ibid., p. 297.

It is clear in all of these cases that deceit tends to arise when the secondary and tertiary mandate of the officer to suppress crime exceeds his tertiary legal powers to do so.

Deceit to Gain an Admission or Confession

A great deal of police deceit in interrogation has been eliminated by the decision of the United States Supreme Court in the case of Ernesto Miranda. Shortly after the Miranda decision, Westville produced a new form to be used before interrogation. This form requires the officer to quote to all persons arrested and all persons to be questioned as suspects in criminal offenses the following statements:

> "1. You have the right to remain silent.
> 2. Anything you say can be used against you in a court of law.
> 3. You have the right to talk to a lawyer and have him present with you while you are being questioned.

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[54] Field Notes. I suspect that if it actually went to court, and true testimony were given, either of the first two approaches would be considered entrapment.

4. If you cannot afford to hire a lawyer one will be appointed to represent you before any questioning, if you wish one."

The officer is then required to ask the following questions prior to questioning any suspect and to record all answers verbatim:

> "Do you understand each of these rights I have explained to you?
>
> "Having these rights in mind, do you wish to talk to us now?"[55]

When properly admonished, a suspect in a criminal case should be unlikely to confess to the police. In fact, the admonition appears to be used only in relatively major cases which will probably go to court. On a number of occasions the admonition was not actually given but was recorded in the written report as having been given. Cases in which admonitions appear to be rare are cases of common drunkenness, cases involving juveniles, and cases where the officer has observed the crime in progress.[56] There are different ways of reading the admonition. If it is read slowly and with emphasis, the suspect will be far more likely to attend to it than if it is read quickly, routinely, and not facing the suspect. Thus the officer continues to retain control, to an extent, of the admonition and its impact.

If the police can get a suspect to waive his right to remain silent and to have an attorney present, there are a number of deceitful tactics which have been suggested and used to elicit a confession or admission of guilt.

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[55] Westville Police Department form, July 15, 1966. Miranda decision was on June 13, 1966.

[56] Field Notes, Westville and other departments.

One tactic is to make the suspect think that all is known about the particular crime and that the officer is only interested in pinning a number of other crimes on him. The interrogation would open:

> "How many other stick-ups have you done besides the grocery store last week, about 35?"...."I just did two jobs before this."[57]

A variant of this tactic is to introduce a far more serious element into the charge so that the suspect can strike a bargain, in his own mind, and feel he is getting off lightly by telling the truth:

> "Joe, there is no question about whether or not you had intercourse with that girl two nights ago. We know you did, and there is no question about it. The only thing we do not know is where did you get that gun and what have you done with it?
>
> Joe: What gun?
>
> Interrogator (laughing): What do you mean, what gun? The gun you pulled on Barbara to make her get into your car.
>
> Joe: I don't know what you are talking about.
>
> Interrogator (serious): You know what I am talking about, the revolver you used. Having relations with a girl is one thing--that happens thousands of times every day--but forcing her to do it only because you threatened to shoot her and then keeping the gun at her forehead while you did it is a different thing. Where is the gun?
>
> Prior to the interrogation, some investigators have a complaint report typed out along with a complete description of the non-existent gun and statements attributed to the victim about the gun and how the perpetrator used it. After twenty minutes of just talking about the gun, if the suspect continues to deny knowing anything about the rape, he is shown the complaint report.

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[57] Arthur and Caputo, op. cit., p. 81.

> This, if dramatically done, will oftentimes cause the suspect to claim, "She's lying, I didn't have any gun!"
>
> Interrogator: Don't tell me that, where is the gun?
>
> Joe: I told you there was no gun. I had intercourse with her, but I didn't use no gun.
>
> Interrogator: That's hard to believe. (Pause) If you didn't have any gun, are you willing to put that in black and white?
>
> Joe: Sure!"[58]

At that point the suspect has admitted all the interrogator is interested in and has agreed to write a confession.

Another tactic is to appear to be offering lenience in return for information. Actually leniency cannot be offered as it would invalidate the confession. The prisoner is then surprised when nothing is forthcoming.[59] In some cases a person may be mislead into thinking that he will be arrested and charged unless he cooperates, or when there is insufficient evidence to arrest a person, he may be told that he is being given a break and asked to do some undercover work for the police department.[60]

A third tactic is to appear to share some status with the person being interrogated so that he is lead to believe that the officer has his best interests at heart. Statuses suggested include being "a family man like me; an ex-serviceman," or any other good sounding reason for being so interested in him.[61] This tactic can also be used by telling the suspect that he looks like the officer's brother Bob and then later blurting out, "Bob, for goodness sake, tell the truth!"[62]

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[58] Ibid., p. 130.

[59] Frank Norman, "The Kite Man," in The Police and the Public, ed. by C.H. Rolph, Heinemann, London, 1962, pp. 72-74.

[60] Skolnick, op. cit., pp. 184, 186.

A fourth tactic is to blame the victim for the crime. Sykes and Matza have suggested that the moral indignation of self and others can be neutralized by a "denial of the victim."[63] This involves suggesting either that the victim invited the offense, or that he deserved what he got for some reason. Sykes and Matza suggest that this is one of the techniques used by juvenile delinquents. In interrogation, if the officer skilfully implants this idea in the mind of the offender, the result may be that the offender will feel that the officer understands his plight and will confess.

> "In sex cases the victim should always be blamed. Using this technique the senior author obtained a rape confession from a 38-year-old suspect who had violently raped a girl four years old. He was told that she probably knew more about sex than he did when he was 21. Also, she 'undoubtedly deliberately aroused your passion and you had no choice but to do what you did.'"[64]

A fifth tactic is to encourage the false but widely held belief that if one confesses and makes a clean breast of it things will go better. Things may go better with the individual's conscience, but they will certainly go worse in the legal context if the suspect confesses. On several occasions drunk drivers who would probably not have been convicted had they remained silent have given the particulars of their drinking for the evening in such graphic detail that a defense attorney would give up after looking at the report.[65] The feeling that "honesty is the best policy" arises in family situations, not the legal context.

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[61] Arthur and Caputo, op. cit., p. 67.

[62] Ibid., p. 108.

[63] Gresham M. Sykes and David Matza, "Techniques of Neutralization: A Theory of Delinquency," American Sociological Review, 22, 6, December, 1957, p. 668.

[64] Arthur and Caputo, op. cit., p. 45.

A sixth tactic is to bring into the situation or make relevant to the suspect some secondary social control agency and hope that he will play the game by its rules rather than the rules of the legal context. Thus any civilian who may have some influence over a juvenile may be brought into the interrogation to try to convince the juvenile to confess. The interrogator listens from outside, of course.[66] Or if a suspect is known to admire his father very much, the interrogator may play on this by asking if his father brought a mouse into the world; if his father was a good man, he would have raised a son who would tell the truth.[67] Or, if the interrogator knows that the suspect belongs to some church, for example, is an Episcopalian, he may tell the suspect that he is an Episcopalian also and that the church forgives anything but first he must say he is sorry before he can be forgiven. So he says he is sorry, writes it down, is forgiven by the church, and goes to jail.[68]

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[65] Field Notes. There is some question in my mind about admonishing drunks and drunk drivers. If their judgement is so impaired that they cannot take care of themselves or operate a motor vehicle safely, it escapes me how they can be said to have made a knowing waiver of their rights.

[66] Arthur and Caputo, op. cit., p. 150.

A seventh tactic revolves around disguising the ultimate consequences of telling the truth from the suspect. In some ways this is a curious choice of tactics as the theory that punishment deters crime rests on the assumption that the potential criminal appreciates the ultimate consequences of his act. Successful interrogation using this tactic depends on keeping a suspect from seeing the consequences of his verbal production until too late. If the consequences are unapprehended by the suspect, he may confess but it can hardly be said that he has been deterred.

Ordinary interactions are generally unprepared and relatively spontaneous. In police interrogation one objective is to make a carefully planned and thought out interaction look spontaneous, thereby lulling the suspect into reacting as he normally would, in a friendly, open manner, until he has incriminated himself. Just as in a permissive search where the officer's "Can I look?" is answered in the affirmative by a suspect who does not appreciate that this will make the evidence found admissible, the interrogator will attempt to raise side issues which will disguise from the suspect the true nature of the situation.

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[67] Ibid., p. 110.

[68] Ibid., p. 107.

One way of disguising the legal consequences is to make relevant the interactive context of the action. Thus a person who stole might be asked if he wouldn't like to apologize for taking the goods, and the interrogator will go on to suggest that he write a letter of apology, which, of course, will be used as a confession.[69] Or, a person who had just killed his wife might be offered the rationalization:

> "I bet that's what happened here, Ralph. You are like me, but this time her drinking and forgetting the kids drove you too far, and you were simply going to teach her a lesson. Is that what happened here, Ralph, you were merely trying to get her to watch over your lovely children as she is supposed to do?"[70]

Another way is to make relevant the customary context of the action. People often assume that to do what is customary is acceptable, which is true, but if the customary is illegal, then it may be acceptable to some social control agencies such as the family but still illegal to the police. To use the approach of custom, it is possible to misuse sociological statistics to convince the suspect that many do what he did. Reassured by this knowledge, he may then go on to confess that he in fact did it.

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[69] Ibid., p. 190.

[70] Ibid., p. 105.

> "In this approach the interrogator indicates that the crime involved is neither unusual nor important. For example, a man accused of a certain sex offense can be told:
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> 'Harold, of course you have heard of Kinsey, haven't you? (Wait for an affirmative reply.) And, of course, you know what Kinsey wrote about (put in here in mild words whatever crime is under consideration).'
>
> If at this point the suspect says "Yes", ask him what Kinsey did write. However, at least 90 per cent of the subjects will be truthful and answer "No." When you get this answer, the interrogator looks surprised and says, "You mean you don't know that he found that 87 1/4 per cent of the men in this country sometime during their lives do what you were doing? Gee, I just figured you knew that just about everyone in this country does, sooner or later, what you are here for. (Note: Quote an odd figure when using statistics; 87 1/4 sounds much more believeable than 90 per cent.)"[71]

At this point Harold assumes that since the interrogator knows that most people do it that he will not be opposed to it. After all, most people are consistent in their attitudes. If they know that most people do something, they are unlikely to think it should be illegal. The suspect applies this assumption to the police officer without understanding that even though he may be understanding on the psychological level,[72] he is unforgiving on the legal level. Most people's everyday realities mesh better than police officers', and not understanding this leads suspects to confess to this understanding police officer without appreciating that the officer is "taking it down to be used against him." Another area where suspects are sometimes mislead is in the field of narcotics enforcement. If the officer says that he knows marijuana is harmless and should be legalized, the suspect assumes that like most persons who say such things the officer is not punitive about its use. This is probably not true. Even if the officer is telling the truth, he is still in the business of enforcing the law, and he will use a confession to get a conviction.

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[71] Ibid., pp. 106-107. This "note" is a latent consequence of ethnographic description not widely appreciated by sociologists.

[72] Officer Minderman comments: "Officers who can never do this are termed 'red hots' and dangerous to work with because of their inflated egos and because they take all violations as personal affronts."

Another way in which the ultimate consequences of telling the truth are disguised is by using terms which suppress the relevance of the legal context in the suspect's mind. Thus he will not be asked to "sign" a confession but to "jot" his name down, or "put your name here."[73] Somewhere in the socialization of almost everyone in our society is the notion that one ought to be careful about what one "signs," but this is not always carried over to situations in which the word "sign" is not used. Similarly, in getting the details of the crime, the interrogator is advised to avoid coldly realistic words such as "rape" and "injure" which bring up visions of prison and the death penalty and substitute words such as "have relations with" or "fight him" which are more legitimate activities. After the person has implicated himself hopelessly then the realistic words can be used in the written confession.[74] Juveniles are very easy to interrogate because they are not skilled in seeing the ultimate consequences of telling the truth[75] and they are more easily mislead by polite words and appeals to honesty in the moral system.

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[73] Arthur and Caputo, op. cit., p. 169.

One final use of deceit to disguise the ultimate consequences is where the interrogator tells the suspect that the "jury will be impressed by your honesty in making a full confession" when he fully intends to use the confession later to try to get a "guilty" plea. If the suspect pleads guilty, he will have been convicted by his own confession as the case will not go before a jury.

Deceit to Get Admissions Signed

If after making an admission or confession the suspect balks at signing it, the interrogator will ask him to write down in his own hand the reasons he does not want to sign it. The interrogator might even dictate to the suspect something like the following:

> "I, Jack Hoyte, have read these four pages I gave of my own free will without any threats, promises, or harm done to me

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[74] Clift, op. cit., p. 134. Officer Minderman comments: "It is not so much the single word but the overall atmosphere which precedes the signing. Friendly, unassuming officers lull the defendant into a false sense of security. He does not 'sense' danger."

[75] Arthur and Caputo, op. cit., p. 141.

> by anyone. Everything on these four pages is the truth. I am not signing this because (here the subject writes his reason for not signing, for example, my lawyer told me not to sign anything).
>
> As the person finishes writing this, the interrogator says: 'Jot your name below so that my boss will know who wrote it.'"[76]

The net result is that the suspect signs the confession twice, along with a statement in his own hand that it was obtained without coercion. Another technique is used at the scene of an accident where statements have been taken from the drivers involved:

> "After you have all the details as they were given to you, ask the driver to read it for accuracy and to sign it at the bottom. He does not have to sign, so act as though it is expected of everyone involved in accidents."[77]

Deceit to Convince the Defendant to Plead Guilty

In Westville it is common practice for the prosecutor to charge all of the driving offenses which arise out of a single incident. The defendant is then given the choice of pleading guilty to one offense and having the others dropped. In all probability, if the defendant chose to fight it, this would be seen for the legal fiction it is. Under state law, a person can only be punished once for a transaction even though multiple offenses occur within the transaction, so in all probability, a defendant could only be convicted of the most serious offense anyway. By concealing this from him, the legal process is speeded at the cost of further deceit.[78]

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[76] Ibid., p. 168.

[77] Clowers, op. cit., p. 211.

The one area in which truthfulness has been suggested--and it is as remarkable that truthfulness should be suggested in police work as it would be to find a cricket match without gamesmanship--is in the final presentation of the case in court.[79] This may be due to the possibility of examination of the evidence and prosecution for perjury if deceit was used here, and the officer was caught using it.

The expectations of the various publics with which the police deal vary. Those who hold the legalistic conception except police officers to tell the truth; those who have dealt with them at the street level often expect them to lie. The one exception to this is that informants expect to be told the truth or they will withdraw their services, if they can.[80] This is a matter not so much of expecting truthfulness but of being wary of the consequences of deceit. Knowing the possibility of deceit, they protect themselves by avoiding deceitful policemen.

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[78] Skolnick, op. cit., pp. 92-93.

[79] Mulbar, op. cit., p. 81.

[80] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, p. 152.

Conclusions

The police use uniforms, codes and rules to maintain secrecy regarding their operations. Secrecy shields the police from public evaluation which is necessary because they do not have the resources to suppress all types of offenses at once, nor would it be desirable to do so, and various publics involved in interactive institutions with the police would demand more enforcement in specific areas if they were aware of the allocation of police efforts. Secrecy protects the police from criticism and conceals their exercise of discretion. It becomes habitual for individual officers to become close-mouthed.

The police use impression management techniques to keep the public thinking that they are on the job and responsive to public wishes. They sometimes suppress minor disorder or make dramatic arrests for this reason. Proper impression management is difficult when the public is divided on an issue.

Secrecy and justifiable but non-essential operations conceal the existence of a reserve potential within the police department from taxpayers who might not realize its necessity.

Deceit helps to control situations. It extends the officer's powers in situations he must deal with but has no legal power over. The power of deceit comes from the expectations of truthfulness and morality attributed to officers, plus their skill in concealing the fact that they are engaged in deceitful actions. Deceit is used to gain information, to justify interrogations, to cover misdeeds, to conceal police presence, to control distressing but legal behavior, to justify searches, to accomplish or justify arrests, to gain confessions (many tactics), to get admissions signed, to protect the secrecy of police operations, and to convince defendants to plead guilty. In most cases the worst that can happen to an officer caught lying is loss of the specific case. Only in actual court presentations under oath is any punishment possible, and even then it is unlikely. Deceit is a major police tactic, and it arises from the structural relationship between the broad interactive demands to which the police must respond and the narrow legal resources which they are formally granted to do so.

CHAPTER VIII

CONCLUSIONS

Social control arises in the institutionalizations of interactive relationships. As people do things over and over together they, and the people around them, take the things which they do to be typical of them. The people with whom an actor is involved develop a stake in his predictability because their own activities are partially dependent upon being able to predict his actions and reactions to various recurring situations. Each actor has his own pattern of institutions, but since many people are involved in similar life situations as they earn livings, establish families and live in territories, there are expectations which are more generally applicable than just to any given individual. These general expectations must take account of many individualistic variations of life style and thus tend to be quite minimal expectations. These general expectations can usually be met by almost anybody most of the time.

Some of these general expectations are enacted as laws of various kinds, laws of contract and tort, laws of governmental and official procedure, and criminal laws. When laws are enacted they are "rationalized" and established as general rules for all to follow.

(There are some *ad hoc* laws which do not completely live up to this ideal.) An example of the difference between an interactive institution, which is related to a specific individual in a specific social milieu, and a law covering the same behavior might be seen by considering a "disturbance of the peace." A person might be expected by his family and friends to be properly demeaned at parties, he might be expected to control his drinking so that his boss does not see him drunk, he might be expected to keep his wits about him enough to refrain from making a pass at his secretary when his wife can see it, he might be expected to regulate his speech so that he does not shock the people around him with its volume or vulgarity, he may be expected to do and be a number of things because of "the kind of person he is." If he fails in any of these things, unless there are ceremonial reasons for his lack of inhibition, the people around him will take action to control his behavior and correct him. The host at the party will cut off his liquor supply when he gets offensive, a "friend of the family" will mention to the secretary that he is married, he may be dragged off home for any of these infractions by his wife, or he may be ignored when he gets vulgar. It is neither possible nor desirable to enact a law which would cover all of these contingencies because the concrete situations vary so widely. As a result when a law is enacted to cover such behavior it requires that the behavior be truly offensive in certain basic ways before legal action can be taken. A Disturbing the Peace law reads:

> Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person, by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight, or fighting, or who, on the public streets of any unincorporated town, or upon the public highways in such unincorporated town, run any horse race, either for a wager or for amusement, or fire any gun or pistol in such unincorporated town, or use any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud or boisterous manner, is guilty of a misdemeanor, . . .[1]

Short of performing one of these actions a person is not, legally, disturbing the peace though he may be ruining the party, losing his job, alienating his friends and annoying his wife.

When a formal agent is established to enforce laws the agents themselves are governed by laws of procedure, and their proper areas of legal interest are established by the substantive laws which they are required to enforce. This is a defensible mandate as it is one which has been arrived at by established procedures and through reasonably careful consideration of the needs of public order. These legal controls, however, are not the only controls which are important for these formal agents of social control.

Formal social control agents, being people and not machines, are controlled by interactive institutions themselves. The control of law is somewhat more relevant to them than it is to the average member of the public, but it is still a very minor part of the total social control over their behavior. As individuals, formal social control agents are involved in the controls of their families and communities as well as the controls of their jobs. As a group, formal social control agents are involved with other institutions in the community in a number of exchanges of services and other transactions. Each of these relationships and its controls may be more important to the formal agent in a concrete situation than the controls formally required by law. Each of these exchanges or relationships allows some member of the community to influence the behavior of the formal social agent to some degree in some instances.

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[1] From the Penal Code of Westville's state.

Thus when laws are enacted they are abstracted from experience and made to stand as minimal requirements for behavior. When they are enforced they are once again cloaked with experiences as they are applied to concrete situations. The formal laws are interpreted through the interactive institutions of the enforcers. This interpretation cannot be allowed to go unchecked, because then formal social control agents might act in their own interests more than in the interests of society, so provision is made in the law for reviewing the applications of law made by formal social control agents.

In many cases, perhaps most, formal social control reinforces the social control of interactive institutions, but there are discrepancies caused by the circuitous route which the formal control has followed from its origins in interactive relationships. One discrepancy comes from the fact that in a concrete situation the interactive controls of the participants and the interactive controls of the formal agents are not likely to be exactly the same, with the result that the formal social control agent may take action which is not desired by the participants. A second discrepancy comes from the time which passes between the deviations leading to the enactment of a law and the deviations upon which it is enforced. Thus there is very little call for enforcing the "disturbing the peace" law mentioned above against horse racing, while it is often used for loud parties.

The police attend to the primary and secondary social controls of the people they are dealing with to determine whether or not the application of formal, tertiary, controls is necessary. Other authors have seen some aspects of this process but have interpreted it somewhat differently.

Arthur L. Stinchcombe in his article, "Institutions of Privacy in the Determination of Police Administrative Practice"[2] contends that access to "private places" is evidence of attachment to the social structure, and that, in the absence of such access "special evidence of legitimate occupation has to be provided," so as not to be considered a vagrant.[3] He is asserting that the causal principle is "access to private places" and that having a legitimate occupation is an explanation for a residual category of people who are attached to the social structure but have no access to private places. Reinterpreting his assertions it becomes clear that "having access to private places" is an outgrowth of being involved in certain types of interactive institutions, for example having a family and living in a territory. Thus being able to be in a private place is a partial indicator of the existence of secondary social controls. When seen from the social control perspective developed here, "occupation" is also seen as another partial indicator of the individual's involvement in interactive institutions, and thus his probable state of being controlled. The social control perspective thus subsumes both access to "private places" and "occupation" into the single category of secondary social control, and does not need a residual category as does Stinchcombe's theory.

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[2] American Journal of Sociology, 69, 2 September, 1963, pp. 150-160.

[3] Ibid., p. 151.

Another tangetial explanation which takes an obvious and superficial observation as a causal principle is contained in Elaine Cumming, Ian M. Cumming, and Laura Edell's, "Policemen as Philosopher, Guide and Friend."[4] They explain the high incidence of calls for police aid over the weekend by suggesting that "problems arise when the social pulse is beating fast--when people are coming and going, regrouping, and, of course, engaging in informal rather than formal activities."[5] They later suggest that formal constraints are fewer on the weekend.[6] What they have taken as a causal principle is merely the surface manifestation of the release of the institutional controls of work. When people are not tied to their jobs they are more available to be with, and possibly make trouble for, their families, and they are more available for other kinds of mischief. Not only is the weekend a specific release for actually employed people, but, because of their activities it takes on an air of casualness and excitement which is available to almost anyone, and which tends to undermine the controls of their own routinizations.

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[4] Social Problems, 12, 3 Winter, 1965, pp. 276-286.

[5] Ibid., p. 278.

As was mentioned above the social controls of interactive institutions and of law, as well as personal controls, generally lead toward similar results. When custom or morality conflicts with the formal rule of law a problem is created for the police. Michael Banton comments "It is noticeable how policement prefer to work within the popular morality, and to persuade rather than prosecute."[7] He goes on to suggest that this is a major reason for underenforcement of the law in many cases. Reinterpreting this, it is clear that tensions arise for the officer when he is presented with contradictory conceptions of his job by the law and by the people with whom he must deal. As society grows and becomes more complex, with the possibilities for variant typifications and institutionalizations of behavior increasing daily, and thus secondary and primary controls which are not congruent with law, the possible area of conflict grows rapidly.

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[6] Ibid., p. 280.

[7] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, p. 147. Banton's book contains many assertions which could be taken as causal principles, but because of its loose form it is very difficult to tell which he considers major and which are merely off-hand comments. It is filled with insights and makes many of the points which I have made, but it seems to lack an over-all theoretical organization which would allow its assertions to be tested, although most of them seem congruent with my findings when translated into the social control theory presented herein.

Jerome H. Skolnick suggested in Justice Without Trial[8] that attempts to enforce morality, that is, laws against behavior which assaults neither persons or property (in his formulation) leads to a "criminalization" of the environment which leads the police to increasing distaste for constraining legal rules, that is laws which govern their procedures. In terms of the social control theory developed here a lack of congruence between substantive secondary and tertiary controls with regard to some widespread behavior causes the police, insofar as they are responsive to efficiency pressure, to ignore procedural rules in order to get the job done. This discrepancy between secondary controls, primary controls, and tertiary controls also defines a portion of the population as criminals, which under certain circumstances may make them available for other illegal activity, or at the very least somewhat less than totally enthusiastic in their support of the police.

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[8] Wiley, New York, pp. 205-210.

There is a complex relationship between the control of the many interactive institutions all people are involved in, and the control of behavior exercised by those legally authorized to coerce the proper behavior from possibly recalcitrant citizens. First of all is the dilemma of the police officer confronting a situation: should he act as a man or as a legal officer? Both the conception of the police officer as an interactive controller and the conception of the officer as a legal controller of behavior are supported by some different people in society. In the interactive situation there are many pressures on the officer to engage in informal control rather than invoking the legal process, pressures to which he often gives in.

Skolnick[9] suggested that the police dilemma exists between the rule of law and "production demands" thrust upon the police. Both in his concept of the rule of law, which he construes in a fairly narrow procedural sense, and in his concept of "production demands," which refers to catching criminals, he has selected out single elements from complex sets of expectations which are relevant to the police. In addition to procedural laws there are substantive laws which may or may not be invoked to control behavior. "Production demands" are simply one aspect of the "interactive conception" of police behavior which requires, in addition to the arrest of felons, various other social control activities both legal and extra-legal. "Production demands" are one interactive institution which exists within the police department and have outside ramifications and thus exert partial control over the behavior of the officer. Skolnick's narrow construction of the rule of law and the "production demands" relevant to the police officer probably results from the fact that he studied detectives and other "law" officers for whom the procedural demands of difficult cases, and the constant supply of felony cases, make legal conceptions much more relevant than they are for the patrolman. The patrolman, or "peace" officer, is engaged in many, many interactions which push and pull at his behavior. These often have little or nothing to do with felonies, or, indeed, police work at all, if police work is thought of as being solely related to law violations. Thus while the same dilemma may be found among detectives and patrolmen there are many more dimensions to the patrolman's dilemma and the rule of procedural law and the demands of convicting felons are not nearly as relevant to him as they are to detectives (until he gets a big case).

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[9] Ibid., Ch. 11.

Skolnick further suggests that officers are ". . . rewarded primarily for apprehension of so-called 'notorious' criminals, for breaking 'dope-rings,' and the like."[10] Since such apprehensions are extremely rare for patrolmen, they do not form a stable reward system. Many patrolmen probably have never arrested a "notorious" criminal, while it is not all that uncommon for one of Skolnick's detectives to have done so. For the patrolman other rewards, such as being friends with many people on his beat, may be more personally relevant than the unlikely possibility of catching a bank-robber. If the rewards are more relevant the controls exercised in that interactive situation will be more powerful as well for his routine behavior. Of course, a patrolman is not going to give up on a big case to keep a few friends, but he may overlook many minor violations of the law to do so, or he may go out of his way to find a secondary control solution to a problem that he could solve by arresting someone.

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[10] Ibid., p. 244.

Michael Banton suggests that the police do not fully enforce the law because it is good public relations not to do so, or because they sympathize with the offender, or because he is a relative, a police officer, or an old friend.[11] He thus points to the importance of the interactive institutions in which the officer is involved in controlling his own behavior, though he does not make the general point but merely lists the specific instances, and suggests that the policeman is not isolated from society.

The somewhat simple-minded failure to see that the real mandate of the police is greater than "--keeping the law from being broken and apprehending those who break it--" as suggested by Elaine

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[11] Banton, op. cit., p. 130.

Cumming, et al., [12] has lead them to set up a straw man of the policeman as a legal actor, and then knock him down because he does not fit with their formal conceptions of how he should behave. Egon Bittner in his article, "Police Discretion in Emergency Apprehension of Mentally Ill Persons," [13] not only takes Cumming, et al. to task but goes on to suggest that the actual occupation of the police is a craft which meets certain tacit public expectations rather than simply enforcing the law. In this thesis I pointed out the ways in which these "tacit" public expectations were made relevant to the working officer. (Through the secondary social control of the interactive institutions in which he is involved.) These institutions involve mutually beneficial transactions with many different community and legal system institutions, each one of which exerts some control over, or demand on, the officer's behavior.

The police officer himself exerts secondary social control, sometimes using law as a lever, in a number of situations where legal solutions are inappropriate. Egon Bittner suggests that this is a proper police function when police work is not viewed solely from a legalistic point of view. [14] His suggestion of police solutions outside of the legal context, restitution of control by family and friends, and psychiatric first aid, are congruent with the theory of social control developed here. When Bittner talks of the "established practices of dealing informally with problems,"[15] he is saying that the process itself is an institutionalized set of possibilities which guide, and thus control, the officer's disposition of his instant problem.

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[12] Op. cit., p. 277.

[13] Social Problems, 14, 3, Winter, 1967, p. 292.

[14] Op. cit., pp. 291-292.

In dealing with the same problem, the control of behavior which is not necessarily best controlled by legal action, Cumming, et al make a distinction between the "support" and the "control" activities of the police officer.[16] They then proceed to confuse the levels of social control (as used here) by assuming that the police officer uses legal sanctions only to control and interactive (positive) sanctions only for support. They completely overlook the use of negative interactive sanctions as a control (and the somewhat rare use of positive tertiary sanctions), and apparently do not realize that the police are involved as secondary control agents as a consequence of their inability to use tertiary controls for violations of customs.

Since tertiary social control agents such as the police are not everywhere, and indeed cannot be some places without invitation or other warrant, something must happen to bring these tertiary agents into the secondary situations where laws are being broken. There can be a complaint of a crime from a person who is actually involved in a situation, or knows of it. The police can see and discover crimes on their own, and sometimes crime may be played as a game by the officers or the offenders. None of these methods for bringing crime to the attention of the police is perfect. Victims of offenses do not always complain, complaintants are not always legitimate victims, many complaints are of activities which are not really illegal, and ocassionally there is no easy way to bring a complaint to the attention of the police. The police cannot perceive crimes which have the appearance of legitimate activities, which are out of sight, or which do not produce anything to see. Even when an officer or offender plays a crime as a game it is possible that the police will not come into contact with it.

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[15] Ibid., p. 291.

[16] Op. cit., p. 277.

The entrance of the police into a situation is thus only imperfectly related to any objective "need" for their presence and they often find themselves in a situation without a crime, or in a situation where the crime is cold, and nothing further usually develops.

When the police receive a complaint of a crime which turns out for some reason not to be one they feel they can work on, they may attempt, in the interaction with the complainant, to make it appear that things will be done which, in fact, will not be done. They may also decide for a variety of reasons to persuade the complainant that he should drop the matter even though tertiary controls could be invoked.

When the police train themselves to look for evidences of crime they pick up many specific tricks which allow them to see things that others would not. The emphasis on suspecting the commonplace sometimes becomes so ingrained that this police (or teritary social control) perspective takes over in interactive situations with the officers' families, at which point the families attempt to reaffirm their own reality by utilizing secondary controls to bring the officer out of his little world.

Playing crime as a game brings some crimes to police attention, but the major gratification is the fun and challenge that the player, be he cop or robber, gets out of it.

Before the police can exercise tertiary or secondary control they must bring the immediate physical situation under control. There are a variety of techniques and instruments which are employed to keep the police "one-up" in most situations. Some of the techniques, such as the use of the uniform, can be used almost always, others such as force can only be used if the officer contemplates actually instituting teritary controls. Skolnick suggests that when the uniform is "disobeyed" the street patrolman may make strong claims to authority for which he may not have legal grounds.[17] Skolnick's assertion illustrates the importance to the officer of keeping control over the situation. Control is important to the officer because many situations are somewhat unpredictable, a few are highly unpredictable, and the possibility of great risk or danger always exists, at least in the officer's mind. Since the officer wishes to minimize his risk while maximizing the possibility of apprehending any dangerous persons in the situation he may "come on" very hard if he feels he may lose control over the situation. This is one reason people are sometimes arrested at gun-point when it is not absolutely necessary. (I have done it.) The subjective realities of perceived risks, and this is all the officer has to go on, may not mesh at all well with the formal rules which grant him the right to use certain kinds of force in certain kinds of situations. The police respond to this limitation by assuming that the violation is as serious as possible, giving them the right to use mortal force, often for non-dangerous crimes. Since an officer can always shoot back, and since an offender becomes a felon (allowing the officer to shoot him under certain circumstances) if he assaults the officer (in Westville's state) the police are actually quite well protected against anything but a sneak attack.

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[17] Skolnick, op. cit., pp. 89-90.

The police also routinely use electronic communications and other devices to keep ahead of various situations.

In arresting a person the raw power which the police can use (under certain circumstances) is rarely necessary because officer's develop techniques for "bullshitting" or funneling prisoners into jail, by employing the positive and negative sanctions and every-day etiquette of the interactive situation to conceal from the prisoner what is really going to be his fate. Thus even at the initiation of the tertiary social control process the prisoner's routine behavior is controlled by secondary techniques and only the one marked-off violation for which he was arrested will be carried into court for determination of formal guilt or innocence. There are very few prisoners who cannot be controlled by the skillful use of the sanctions and etiquette of every-day life once they have been convinced that the officer is capable of invoking the tertiarily legitimated sanctions of force and violence which are at his command. Fighting drunks, who have an impaired sense of etiquette, are the only violent prisoners most officers encounter most of the time. Even they can often be talked to.

The police officer brings a number of different realms of "knowledge" to bear in deciding what to do about any given situation. Not only does he bring in the legal knowledge he has learned by participating in the police culture, he also brings in moral knowledge, his own habituated knowledge of the solution to certain situations, his own pattern of knowledge about the interactive institutional transactions which might be relevant to his arrest or other disposition. Each different type of police problem brings up a slightly different pattern of knowledge, and of course each officer has a somewhat idiosyncratic store of knowledge to utilize.

In my opinion, one of the major errors which has been made by previous students of police culture is taking the coercion of "respect" by the police as an end in itself. While it is true that the police like to be respected, as does anyone else, it seems strange that such a desire should routinely result in harsh disposition or use or violence if "gaining respect" were the only basis for such activities.

In William Westley's study the ideas were advanced that force was used to coerce respect for the police, that they needed to force people to respect them because of their contact with the criminal element, and that they let offenders off lightly if they were respectful.[18] To accept such a view requires a very negative assessment of the psychology of the police officer, though both Banton and Skolnick either state it or let the assertion stand.[19] The first opening which suggests that there may be more to police reliance on attitude than the egoism of a work group was suggested by Irving Piliavin and Scott Briar in their article, "Police Encounters with Juveniles."[20] Some of the officers interviewed by Westley had made the same points but Westley did not pick them up in his analysis.[21] Piliavin and Briar noted that youths who were:

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[18] William A. Westley, The Police: A Sociological Study of Law, Custom, and Morality, unpublished Ph. D. dissertation, University of Chicago, 1951, pp. 10-11, pp. 201-210, pp. 223-224, p. 297.

[19] Banton, op. cit., p. 137; Skolnick, op. cit., p. 94.

[20] American Journal of Sociology, 70, 2, September, 1964, p. 210.

> . . . contrite about their infractions, respectful to officers, and fearful of the sanctions that might be employed against them tended to be viewed by patrolmen as basically law-abiding or at least "salvageable." For these youths it was usually assumed that informal or formal reprimand would suffice to guarantee their future conformity. In contrast, youthful offenders who were fractious, obdurate, or who appeared nonchalant in their encounters with patrolmen were likely to be viewed as "would-be tough guys" or "punks" who fully deserved the most severe sanction: arrest.[22]

In the field situation, then, officers attempting to evaluate the juvenile with a limited supply of information at their disposal, wanted to distinguish between "true delinquents" who would not be controlled by an interactive sanction such as a reprimand, and those boys with functioning primary controls for whom a formal sanction such as arrest would be unnecessarily harsh. Respect for the police is thus taken as an indicator of functioning primary social controls, not as an end in itself. It is my impression that the same motivation is behind the "attitude test" given to automobile drivers. It is entirely possible that some officers may punish disrespectful offenders purely for the joy of doing it, or to coerce respect, but I think stiff disposition happens most frequently when the officer feels that if he lets the

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[21] Westley, op. cit., pp. 204, 206.

[22] Piliavin and Briar, op. cit., pp. 210-211.

"wise guy" go he will just drive off laughing, to tell his friends how he put a cop down and avoided a ticket. This "bad attitude" is generally indicative of a lack of congruence between the offender's primary controls and the tertiary rules the officer is enforcing.

A similar check of the offender's social control, this time at a secondary level, was mentioned by Carl Werthman and Irving Piliavin in their article, "Gang Members and the Police."[23] They suggest that the police officers, dealing with juveniles, attempt to ascertain the quality of the family from which the juvenile comes. If it is a broken family, or one with other members in jail, the juvenile officers assume, reasonably it seems to me, that the family is unlikely to provide as much control over the behavior of the juvenile as is a more cohesive and conventional family. This being the case, they proceed to invoke tertiary controls, and arrest the offender.

These "field checks" on the offender's other social controls are only a part of the various realms of knowledge called into play by the officer in making his decision about the disposition of the offender.

If the officer decides on tertiary control he must then go back over the situation and transform it into language which can be demonstrated to be congruent with the requirements for a crime listed in the Penal Code. The officer must stand ready to demonstrate that the assertions he makes will stand the test of common-sense, which is an attempt to provide a secondary-type control in a formal environment. He must also be prepared to testify that the language he uses is congruent with the action which happened. Bridging the gap between the interactive realities of the street situation and the almost completely formal and linguistic realities of the courtroom is a routine for the officer, but generally is not for the defendant.

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[23] In The Police, edited by David J. Bordua, Wiley, New York, 1967, p. 73.

The law goes almost full circle. It starts as an abstraction from customs and is stripped of its idiosyncratic variations when it is written in the Penal Code. The officer who uses the law applies it through his own idiosyncratic understandings which are conditioned by the general and police culture prevalent at the time. When he applies the law, however, he must demonstrate, or stand ready to demonstrate, that his application of the abstract law through his own understandings is similar to the application which might be made by a reasonable man in similar circumstances. This requirement is intended to keep the law from becoming an engine apart from society, an abstract juggernaut which would not take into account the understandings of the time and place in which it is used.

As has been mentioned before, the police are often placed in a position where they feel they must do something about some distressing behavior which does not constitute a full-fledged violation of the law. If they cannot meet the rather stringent requirements for the completion of teritary social control (in such a way additionally that their actions will not be cause for reversal on appeal) a state of unbalance obtains in the legal system. One response to this state of unbalance is to use the legal process as a sanction itself, without contemplating the completion of tertiary social control. The ability to harass deviants without going far enough in the legal process for an authoritative review of the practice, gives the police a weapon which they can use in the service of their own goals, or in the service of what they take to be the community goals. The partial invocation of the legal process thus stands as a social control more powerful than interactive sanctions but less subject to restrictions than the more powerful legal sanctions.

When neither full nor partial invocation of tertiary controls can be practiced, and the police are still subject to the pressure of the public as articulated through the various institutional relationships in which they are involved, the strain can be eased by keeping the nature and extent of police operations effectively secret from this public, or they can use deceit to achieve what they could not do legally. Westley suggested that secrecy is useful for the police to protect them from criticism about their methods.[24] Westley also suggests that secrecy and solidarity go together for this purpose.[26] The interactive institutions within the department, translating his comments, are the most important for enforcing the rule of secrecy.

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[24] Westley, op. cit., p. 295.

Since many people assume that the police tell the truth (or what amounts to the same thing are unwilling to attempt to prove them liars) the police can manage many areas over which they have no legal right by structuring the understandings of the other so that he does as they wish. Anyone can lie in an interactive situation, but the police are in a unique position. First, they have some aura of morality which makes their lies more effective, and, second, they have more need to lie because should they not, they might have to take the blame for not controlling some behavior which they legally cannot control, or which they cannot control by moral suasion alone. Thus they lie in many situations to overcome the excess of procedural laws or lack of substantive laws which they see as standing in the way of fulfilling the mandate which is granted to and required of them by their involvement in an ongoing community. Deceit thus takes a very important place among the weapons of social control as it fills the chinks between secondary and tertiary social control, and is used by tertiary agents, generally, to carry out what they take to be the will of the community.

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[25] Ibid., p. 196.

APPENDIX

METHODOLOGY

The choice of the Westville Police Department as a site for my participant observation was based on a number of factors. Westville is a medium sized city with a population of under 400,000, which makes it somewhat representative of a range of cities capable of supporting large police departments.

The Westville Police Department has more than six hundred officers. It has a reputation in the police field for being honest, relatively "professional," bureaucratically rational, and legal in its operations. It also has a reputation among minority group members and liberals of being brutal, reactionary and bigoted. In these two regards, it is not dissimilar to many other relatively "professional" departments.

Westville has a large Negro population, approximately thirty percent of the total population. Most of the Negroes fall in the lower socio-economic categories, though there is a growing Negro middle class which lives outside of the "ghetto" areas of the city. There are few really poor whites in the city, so the class and racial structures tend to have a large overlap.

Westville is near "Mountain City" which is the financial center of the area. "Mountain City" is approximately twice as large as Westville and has a police department almost three times as large. I had some contact with the Mountain City Police Department while I was a member of the Westville Police Department, but I did not do any actual observations in Mountain City.

Westville was actually selected because of its convenience for my observations. It was not the only convenient city, however, but in many ways it was the most typical in size, urban problems, racial composition, and police characteristics. In order to eliminate some of the idiosyncratic characteristics of dealing with a single department, I contacted a number of police departments in other cities in the area and two out of state entirely. These departments had from 21 to 1800 members and served an upper-class residential area, a college town, a financial center ("Mountain City"), a south-eastern city, and a mid-western city of Westville's size.

In each of these other departments I approached the chief as a doctoral candidate working on a dissertation and asked to be allowed to ride on routine patrol. Two of the departments allowed me to do so, one for a month of weekends, the other for the few days I could spend. I approached other departments in and out of the state with the same request but was refused permission.

The primary source of observational data is thus the Westville Police Department where I spent thirteen months as a working Police Reserve Officer. Although I gathered a great deal of data from this single department, my thesis is not an "organizational" study of the Westville Police Department. Rather, it is a study of the structural and cultural action-environments surrounding the patrol officer with Westville's Department taken as more or less typical. It is possible to argue with my assertion of typicality, and I have no defense. This sample of police departments is based on convenience and willingness to grant permission to an outside observer. Each department is somewhat different from each other department in the laws and rules it considers important, and in the problems considered important by its community. Were my intention to be descriptive of the parameters of police action in the United States, a sample such as this would clearly be inadequate. Since my intention is to examine certain basic theoretical relationships, these individual variations of procedure and form are probably not crucial.

The one area in which the small sample of Police Departments is probably important is that many forms of informal action which have reportedly been widespread in the past and in other areas of the country, such as corruption, gross illegality in detentions, and beatings, are quite rare in Westville and are thus under-reported for the country as a whole. I have attempted to fill this gap by quoting other sources where possible, but the legality of the departments studied must stand as a limitation on my observations. If in spite of this limitation a great many illegalities remain, it is an indication of how far the police had to come.

My Position in the Westville Police Department

I became a Westville Reserve Officer after seeing a notice in the newspaper that Reserve Officers were needed. I first contacted the sergeant in charge of the Reserves and filled out the appropriate application forms. The next step was then to take an intelligence test administered by a civil service clerk to determine whether I was capable of understanding the training program. When I was notified that I had passed this test, I was also informed of the date of the beginning of the "Basic Police Reserve Officers' Training Classes" which were to be held every Tuesday and Thursday evening for the next ten weeks. This training consisted of:

Organization of Police Reserve-Rules and Regulations	3 hours
History of police, standards of conduct, ethics	3 hours
Basic report writing	3 hours
Crowd control	3 hours
Laws of arrest	9 hours
Related criminal laws	3 hours
First aid (standard course)	12 hours
Approach of suspects	3 hours
Searching and handcuffing	3 hours
Firearms instruction and practice	9 hours
Juvenile procedures	3 hours

Traffic direction	3 hours
Course review and examination	6 hours
	63 hours

After the conclusion of the training course, Reserve Officers were to be appointed in the order of their class ranking. Since I was first in the class I was appointed first.

I was fitted for a uniform and issued a .38 caliber revolver, baton, handcuffs, and keys. I began work immediately. For the next thirteen months I worked as a Reserve Officer. The job is voluntary and there is no remuneration, with the exception of one free dinner a year.

A Reserve Police Officer in Westville wears exactly the same uniform as a Regular Officer, with two minor exceptions: the badge number is four digits rather than three, and there is a small (1/2 inch) "R" on the shoulder patch of the uniform. Not only are few members of the public aware of this distinction, I actually ran into several officers who had never realized the significance of these markings. When people inquired about the "R", some Reserve Officers told them that it indicated the Officer had had special "Riot" training.[1] In any event, members of the public, and police officers, seeing a reserve from a distance generally took them to be ordinary police officers.

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[1] Officer Minderman comments: "It could mean "Regular."

While a Reserve Officer is on duty, he has the standard powers of arrest granted by the Penal Code to any peace officer. When he is off duty, he has only the arrest powers of a private citizen, but, of course, he has a much keener knowledge of how to use them than the average citizen. A Regular Police Officer has his powers of arrest twenty-four hours a day, which is important in increasing his identification with the job.

Reserve Officers usually work two nights a week, one night at a recreation center, school, or auditorium, and the second night as the second officer in a patrol car. During the course of my participation the Reserve Officers were being assigned to eight-hour patrol shifts, from 7 p.m. to 3 a.m., in cars which were assigned to "hot" beats on Friday and Saturday nights, the most active nights. The assignment of Reserve Officers to these cars gave Westville some of the advantages of a "two-man" patrol car system when it was needed most, but at little cost to the department. It allowed assigning a single car, without a cover car, to the sort of call which most nights of the week occupy two cars. Reserves are generally not as reliable as Regular Officers in a fight, but the appearance of having two officers at dangerous calls was maintained.

My position was that of a participant-as-observer during the entire period I worked. I did everything that any other Police Officer did or would do in the same situations. I participated in the high-speed chases; I went into dark buildings with my flashlight in one hand and my revolver ready in the other; I struggled with the same suspects; I interrogated the same prisoners, filled out most of the same forms (some were quite complex and were only filled out by regulars); I was assaulted, cursed, asked for directions to the restroom; I spent seeming endless hours on traffic-point at busy intersections; I patrolled around buildings, around beats and up dark alleyways; I ran around buildings where burglar alarms were ringing; I arrested drunks, burglary suspects, under-age liquor buyers, fighters, and juvenile curfew violators. I used the police radio calling for computer information checks on suspects, calling for the patrol wagon, giving information to other officers going to a family disturbance I had been to earlier. I worked in plain clothes with the vice detail attempting to build cases against prostitutes. I wrote tickets and checked equipment violation corrections for other people. I got a hostile reaction at social gatherings from people who had not known me "before," and incredulous reactions from people who had. I drank the same free coffee, ate the same free meals, rode on busses free, and cashed checks using my badge and I. D. card as identification. I began to perceive the world from a police point of view, seeing Vehicle Code violations while driving, watching for accidents and setting out flares when in my private car, knowing certain sections of the city only from their geography of crime and violence, immediately going to a call box when I heard a burglar alarm or saw a traffic hazard while in civilian clothes, noticing suspicious people who seemed out of place, noticing prostitutes and pimps, and thinking of the solution to many problems in police terms. I turned down invitations for Friday and Saturday nights for the greater part of a year, and turned out for riot duty when a disturbance threatened to develop. In short, there was nothing that a Regular Officer might do that I did not do if I had the chance. I had some mental reservations about certain actions, but, fortunately, I never had to shoot at anyone, arrest anyone for using narcotics, or being involved in a homosexual act, and it was unnecessary to be or act bigoted or discriminatory in front of citizens, though it was necessary to a certain extent inside the patrol car.

Calibrating the Instrument - Personal History and Values

Since the primary data gathering instrument in participant observations is the observer himself, his own history, personal style, values and blindnesses enter into all that he sees and reports. In order that the reader be better able to know the biases which I brought to this study and take them into account in evaluating what I report, some relevant aspects of my personal history will be mentioned.

I come from an upper-middle class, white, anglo-saxon, Episcopalian family with deep roots in the south. Politically, I am somewhat radical but generally uninvolved in activist politics.

Before entering military service, I had done a fair amount of hunting and target shooting, competing in at least one rifle match, so shooting was not new to me. I picked up a certain amount of profanity in the military which came in handy in this current study. In fact, on several occasions officers who assumed that I was a high-school teacher (because I referred to myself as a teacher rather than a professor) were somewhat shocked by the language I used. Most were not, however.

I am neither personally aggressive nor a competent fighter. It is for this reason that the dreams of violence mentioned in Chapter V were a crucial part of my socialization to the police world view. In testing out the potentialities of violence, both consciously and unconsciously, I had to undergo a real "personality change" in that area. The possibility of this happening is one of the greatest advantages and one of the greatest drawbacks of the method of participant-observation.

Prior to becoming involved in this study I had had very little contact with the police. I have never been arrested and, aside from a series of traffic tickets when I was a teen-ager, I had no other contact with the police, except by hearsay and what I had read, before joining the Westville Police Department. The first day of training I got lost in the building and was thoroughly overawed when I walked into a "line-up" of motorcycle officers preparing to go on duty. I got over these reactions quickly (though I notice some of them returning now that I have been out for two months).

I also had had little contact with the lower class before beginning this study. The contacts made as a police officer provide a thoroughly biased view of lower-class life styles, emphasizing as they do those areas where crime and violence have escaped the bounds of interactive social control.

Each of these elements of my personal history may have influenced the observations which I made. To take a simple example, I consider the high-speed chase reported in Chapter II one of the most exciting things which has ever happened to me. This is against a background of having driven modified-stock racing cars when I was a teenager and having ridden a very large and fast motorcycle for the last five years and other motorcycles for at least eight years prior to that. To take another example, not being a Negro, and never having been arrested and treated roughly, when I saw little evidence of brutality, I was willing to accept my observations as accurate, where I might have distrusted them more had I ever been a victim. A third example, the fact that I had grown up with guns and used to shoot frequently, both aided me in the mechanical parts of arms training so that it did not seem difficult and hindered me in thinking realistically about killing people. A fourth example, my political values, kept me from encouraging certain lines of conversation, and it may be that officers are somewhat more conservative or prejudiced than I observed. A fifth example, my size (6'5") and weight (250 lbs at that time), reduced the danger of assault, as did the fact that I almost always had a partner, and thus my perception of danger may be less than it would be if I had been smaller or had worked alone. I was conscious of all of these biases during the course of my field observations and tried to see what influence they really had on my observations. I do not think that they produced major limitations, but perhaps there are other aspects of my person or history which have in some way influenced my observations that I have not thought of.

Honesty

I was always completely honest regarding my status. On my initial application I listed my education and said that I was interested in getting the street experience of a police officer to improve my work in criminology. Since there is an extensive background check before an officer is appointed, I could not have disguised my status in any event. As soon as I decided to write my dissertation on police work, I wrote a letter to that effect to the Deputy Chief of Police, asking that I be allowed to do some things which were not usual for Reserve Officers. (I was turned down cold. Apparently the Department feels "burned" by the previous observers and absolutely will not cooperate with any research program at present.) In addition to this formal notification, I told practically every officer I worked with that I was writing my dissertation on police work and was a Reserve Officer to get the experience. Any officer I didn't tell didn't ask about my occupation or anything else, but aside from some casual conversations, I think I told everyone I met.[2] Whenever an officer asked what I was writing about I told him at great length about non-controversial areas. Few asked twice.

The technique of actually becoming an officer overcomes many of the difficulties mentioned by William Westley:

> "The difficulties in obtaining access to the police are immense. The importance of secrecy among the police and the sensitivity to public criticism make them very reluctant to cooperate with anyone. The political entanglements and possibly the graft involvements of the police make it dangerous for them to have a stranger in their midst. Access to the police is therefore only made with the reluctant permission of the chief of police and exceedingly great care must be taken in interviewing the men. The time consumed in just getting to the data is enormous."[3]

And:

> "The degree of rapport obtained had much to do with whether or not a question was pressed. This was of strategic importance because policemen are under explicit orders not to talk about police work with anyone outside the department; there is much in the nature of a secret society about the police; and

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[2] For the morality of various approaches see Kai T. Erikson, "A Comment on Disguised Observation in Sociology," Social Problems, 14, 4, Spring, 1967, pp. 366-373.

[3] William A. Westley, The Police: A Sociological Study of Law, Custom, and Morality, unpublished Ph. D. dissertation, University of Chicago, 1951, p. 22.

> past experience has indicated to policemen that to talk is to invite trouble from the press, the public, the administration and their colleagues. The result is that when they got the slightest suspicion that everything was not on an innocuous level they became exceedingly uncooperative and the rest of the men caught on in a hurry. As a matter of fact the principle obstacle in the research was to avoid being defined as a spy. This was more difficult than it seems since it sometimes required that one walk up to a policeman, amidst a hostile group, seeing fear in his eyes, and shake his hand (which he tries not to offer) and at the same time maintain an appearance of joviality and unconcern. The research required a continuous campaign of personal propaganda in order to meet repeated waves of suspicion and consequent lack of cooperation. This meant a constant search for ways to define oneself which would be acceptable. Some of the most successful were that of the man in trouble and the policeman's friend. Each definition seems to wear out in time, however, and a fresh one has to be constructed."[4]

And in talking with officers:

> "Many of them took the position that it was not going to do them any good to talk to the interviewer, and that it might possibly do them much harm."[5]

I had none of these problems. The sole feedback of a negative sort which I had was that one officer mentioned that some of the men were worried about me because I was over-educated and wrote down everything in my notebook, unlike many Reserve Officers. I handed him my notebook to let him see that all I wrote down were the details of each incident, which officers are required to do by department policy anyway. I told him to tell anybody who was worried that they could look at anything I wrote at any time they wanted, I had nothing to hide. This was literally true as I kept any private notes at home and did not carry them with me. No one asked after that. I also think that I detected one sergeant warning some officers about talking with me, but as this was at a public hearing on a police brutality charge, a potentially explosive subject, I was not too worried about wider consequences. In the situations mentioned in the text it generally would not have mattered what they thought I was because I was there, in uniform, and there are just not that many ways they could have acted differently than they did. In fact, one officer who spent several minutes asking questions which showed his suspicions of me shortly after that produced the only concrete incident of excessive force I witnessed in the thirteen months.

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[4] *Ibid.*, pp. 30-31.

[5] *Ibid.*, p. 221.

If anyone was doubtful about my presence it was certainly not reflected in the assignments I was given. I was assigned to a partner who had already submitted his letter of resignation in disgust over internal politics and who was just waiting for an audience for his problems. I was assigned to partners under accusation of brutality. I was assigned to a partner who was so lazy it had to be seen to be believed. I was also assigned to partners who were first rate, competent police officers. Apparently there was no effort to control the people I was with, the areas I worked in, or the calls I went to.

Benefits and Limitations of Participant Observation of the Police

There are two major benefits of participant observation which seem to me to outweigh all of its limitations when it is used for exploratory research.

First, by being a participant observer one sees many things which are absolutely inaccessible to outsiders.

Second, the observer can put the subjective world together quite like a complete participant would. The observer actually experiences the dreams, the emotions, the situations, and fears which are being experienced and are shaping the understandings of the participants. By personally experiencing these things the observer has these elements of subjective consciousness available to him as data. There is no other way he can get this nearly so directly. The second-hand reports of how something "feels" are already filtered through a protective self-consciousness before they become available, and even then their emotional impact has to be imagined rather than experienced. To the extent that emotional factors are important in structuring the activities of the participants, participant-observation gains understanding which cannot be had from any other source. The best example of the utility of this approach is in Chapter V, Elements of the Decisions of the Patrol Officer. A chapter such as this could not have been written by an outsider.

There are, however, a number of limitations which must be taken into account in evaluating this or any other participant-observation based report.

First, the data is unstructured or only partially structured. When I suggest that I have found a regularity in behavior, it is difficult or impossible to say what percentage of the officers engage in it. For an exploratory or theoretical argument this is not a major limitation in the early stages.

Second, becoming a participant and going along with whatever is done, as I feel is necessary to truly experience what is going on, will provide the observer with a massive, and extremely difficult to counter, value confrontation. It is very hard to stick to some abstract value conception in the face of a firsthand, disconfirming reality. The observer's personal values and the values of the group he is observing thus are in constant tension until some resolution is reached; he finishes his study or he "goes native" accepting and supporting the values he is living and working with. Unless an observer is prepared to accept value relativism at an emotional level and to treat his own values as just another set of values "appropriate for some situations," long term participation in a group whose values diverge from his own will be an uncomfortable experience.

Third, the participant-observer is generally limited to holding a single position within any organization he is engaged in studying.

While it would be nice to be patrol officer, then a traffic officer, then a warrant officer, a captain, a chief, etc., and a great deal of useful data could be gathered, it is difficult to arrange.

The patrol officer is limited to observing the world from the point of view of a patrol officer. He finds it somewhat different from the traffic officer who spends all day writing traffic tickets. He also finds it different from the detective who goes after felonies which have already occurred. The patrol officer's world involves a number of "cheap beefs," regulations which come from "on high," sometimes without explanation, and a lot of hours sitting around without anything to do. The participant-observer who adopts the patrolman's role faces similar limitations. He does not see the high-level transactions carried out by the police chief, he may be unaware of the strategic considerations which prompted some change in policy, and, unlike the patrolman, he may be unable to inquire because to do so would put his role in jeopardy. I did not follow up on several orders (to get the originals) as any regular officer might because I did not want to make it so obvious that I was engaged in doing what I had said I was doing. Additionally, the patrol officer in a given department may be unable to distinguish between legal requirements and the interactive institutions established with the District Attorney's office. When the "DA" lets it be known he "won't go" unless a certain kind of evidence is found, or a certain quantity, or a person in a certain relationship to the offender actually makes the arrest, or when he decides that the police can hold suspects "on suspicion of ___________," his considerations may be opaque to the patrol officer who must obey them. Each position thus has the possibility of knowledge about other positions through the interactive institutions established with these other institutions. The more remote from the participant-observer's location the less likely he is, or anyone else in his position for that matter, to be able to really understand the dynamics of that distant other position. So a patrol officer may understand the activities of his sergeant fairly well, he interacts with him constantly, but his lieutenant less well because the lieutenant is involved in many interactive institutions which do not include the patrolman. As one progresses up the status ladder there are more and more aspects of positions which are not accessible to those lower down, except possibly by reading textbooks by command officers, which are abstractions of experience not better than any others. Similarly, knowledge of the patrolman's activities is restricted, the higher one moves up the status ladder, and all of the realities of street life become reduced to summary scores of ticket production, crime prevention, and considerations of the legality of various actions by appellate standards. The command officer suffers from "executiveitis," in Officer Minderman's apt term, because he is involved in broader considerations than is the street patrolman and thus understands less and less about the patrolman's world and problems. A participant-observer at any level would suffer from these limitations on knowledge inherent in that status level. In my observations in Westville, I never even talked for more than ten seconds with any officer higher than a sergeant. Obviously there are going to be a great many limitations in this paper if it is looked upon as an "organizational analysis" of a police department.

Similarly, the experiences of the traffic officer, the experiences of the vice squad officer, the experiences of detectives and inspectors, even the experiences of patrol sergeants are only given glancing attention. The social control discussed in this thesis is the social control provided by the patrol officers who are "peace officers" and not "law officers," in Michael Banton's terms.[6] This means that "keeping the peace" in family fights, in drunken arguments, in traffic violations, is much more relevant to the patrol officer, and thus to this thesis, than is tracking down and trapping law violators.

A fourth limitation comes from the fact that I was a Reserve Officer and not a Regular. The Reserve Officer is less involved in routine patrolling, on quiet week nights and during the day watch, than is the Regular. For the time he works the Reserve Officer is generally highly involved, more than the all-week average, in police "action"--emergencies, violence, hot calls, high-speed chases, and weekend family fights. The Reserve Officer thus has a shorter but more intense experience with police work each week. There are some activities which are only carried out among friends who trust each other completely on the police department. If any illegitimate violence is to occur, it will be done by partners who are sure of each other. If an officer is going to sleep on the job, or sleep with a girl on the job, or if he is going to take any "gifts" not legitimated by police culture (i.e., bribes), he will want to be certain that the people who see him are not going to turn him in. There may be some long-time Reserve Officers who have this confidence of Regular Officers, but I did not develop it in my thirteen months. Since the Reserve Officer is not involved in the work as a job, he generally is less concerned about, and less knowledgeable about, pension plans, promotional chances, and intradepartmental politics. To the extent that these factors influence the behavior of the patrol officer in the street, they will introduce uncontrolled error into the observations.

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[6] Michael Banton, The Policeman in the Community, Basic Books, New York, 1964, p. 7; Jerome H. Skolnick, Justice Without Trial, Wiley, New York, 1966, p. 33.

In spite of these limitations, the position of a Reserve Officer offers incredible advantages over the position of an outsider trying to study the police. Westley, who did as well as anyone else to date, has outlined some of the difficulties in the quotations cited supra. In addition, an outsider does not expose himself to the experiences of a police officer so he does not "understand" what is behind various behaviors he observes, and his comments reflect this lack of understanding.

This may be one reason why police studies are almost always greeted with outrage by the department studied. (There may be others. As is pointed out in Chapter VII, secrecy is important to the police and they may be unhappy at having some of their more questionable practices exposed.) On the other hand, the outsider can move around the status hierarchy and in and out of departments in ways impossible for the department member participant-observer. If the problem under study is one which lends itself to quantification and standardization, and if the data are accessible and the subjective feelings of the officers unimportant, then an approach from outside might work best.

Checks

In order to check on the observations I made, and to expand them into areas which I could not observe, I have used other police studies carried out by sociologists, and I have used police training manuals and books on police work by police officers. In each case I have used these other works as sources of data rather than as sources of theory. I have generally translated their terminology into the terms developed for dealing with primary, secondary, and tertiary social control. Within the broad limits established by the variability of police work from one location to another, all of these works seem to agree on the basis operations involved in police work, though they have different conceptual frameworks for explaining their observations.

In order to broaden my experience, I rode with two other police departments which had widely different approaches to police work. One of them does not rotate the shifts of its officers, and each officer follows up on all the crime on his beat, making him both a peace and law officer. With these exceptions, and their apparent reluctance to arrest in some situations where Westville would, most of their activities were quite similar. In the other department, where my experience was quite limited, I had the impression that there was a great deal more political control and that the officers were really hampered by the archaic laws of their state. But the officers of both departments told the same stories, used the same derogatory mocking of Negroes' accents, and appeared to settle most problems using informal action, just as Westville officers would have.

As mentioned before, I have had numerous conversations with the officers at all levels of several other departments. Aside from providing more data, there was no information which would challenge any of my major conclusions.

In the seminar at San Francisco State College on the Theoretical Study of the Police Process, I had a collection of police officers, felons, ex-convicts, hippies, sons of police officers, civil rights activists, and a private investigator. (There is some overlap between categories. There were also one or two students who did not fit into any of the categories mentioned above.) When I could manage to quiet the discussion and limit it to three or four people talking at once, a number of interesting points were made and answered because each participant approached the subject from a different direction. As mentioned in the Introduction, Officer John W. Minderman, who participated in this seminar, read the entire first draft of this thesis and commented extensively on it.

Having a nine-year veteran officer, who is also a graduate student, give such careful attention to a manuscript gives the reader some assurance that the observations made are not wholely idiosyncratic and fit in with the personal experience of someone who has given a great deal of critical thought to similar problems. In Street Corner Society, William F. Whyte had "Doc" read the entire manuscript and correct it. It seems to me that the assistance of a "native" at the manuscript stage may be the equivalent of a test of significance for qualitative data. Just as with a statistical test of significance, it may not tell one whether the data mean anything, but it will assure one that the data were not produced by chance fluctuations in sampling or observation.

Expenses

It is customary to explain the funding of research projects and the expenses. The project was funded out of my own pocket. Exclusive of books (less than $50.00) my research expenses totaled $19.55

which went for shoes, a belt, a tie, a flashlight, and a notebook. All of these have now been converted to personal use. The note paper was supplied by the police department. Since police officers ride for free on busses, I saved about $30.00 in commute expenses, meaning that the research showed a net profit of $10.45.

The typing and production of the thesis was underwritten by my parents. I am grateful to them for this assistance and for their careful proofreading of the first draft.

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